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DEPARTMENTS OF THE ARMY, THE NAVY, AND THE AIR FORCE

WASHINGTON, D.C., *18 November 1966*

JOINT MANUAL FOR CIVIL AFFAIRS

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CHAPTER 1

INTRODUCTION

1-1. Purpose and Scope

a. Purpose. This manual provides information and guidance on civil affairs (CA) organization, concepts, and operations for United States Armed Forces.

b. Scope. The manual outlines the principles and general policies to be followed by elements of the Departments of the Army, Navy, and Air Force in planning and conducting civil affairs operations. In instances where adaptation must be made in the material herein, recourse should be made wherever possible to specific directives, and other source materials, and in any event, the matter shall be coordinated with other interested or responsible staff agencies including the appropriate judge advocate with regard to the legal aspects of civil affairs operations.

c. Applicability. The basic principles herein presented are generally applicable to any civil affairs operations, and are, except as may be otherwise specified in the text, pertinent to operations in nuclear or conventional warfare, general or limited war, as well as operations conducted during peacetime, and cold war situations to include counterinsurgency.

d. Comments. Users of this manual are encouraged to submit recommended changes or comments to improve the manual. Comments should be keyed to the specific page, paragraph, and line (s) of the text in which the change is recommended. Reasons should be provided for each comment to insure understanding and complete evaluation. Comments should be forwarded directly to the Commanding Officer, U.S. Army Combat Developments Command, Civil Affairs Agency, Fort Gordon, Georgia, 30905.

1-2. Definitions

All terms used herein are in accordance with the definitions given in JCS Pub 1. For conciseness U.S. Army designations for military units have been used throughout this manual. Equivalent Naval and Air Force units and designations are implied and should be substituted or added where not mentioned but appropriate. The following term, not included in JCS Pub 1, is defined as follows:

Status of Forces Agreement. An agreement which defines the legal position of a visiting military force deployed in the territory of a friendly state. Agreements delineating the status of visiting military forces may be bilateral or multilateral. Provisions pertaining to the status of visiting forces may be set forth in a separate agreement, or they may form a part of a more comprehensive agreement. These provisions describe how the authorities of a visiting force may control members of that force and the amenability of the force or its members to the local law or to the authority of local officials. To the extent that agreements delinate matters affecting the relationships between a military force and civil authorities and populations, they may be considered as civil affairs agreements.

1-3. Scope of Civil Affairs Operations

Civil affairs operations are as diverse as the ranges of military-civil relationships. They bring civil attitudes, needs, and goals to the attention of the military commander and they convey similar matters to appropriate civilian agencies. They involve advice and assistance to civilian authorities in their relationships with

military organizations and recommendations to the military commander as to the conduct of his operations and troops that will promote cooperation and support on the part of the individual citizens and the government of the country. They include essential liaison and the numerous official and personal contacts associated with securing support from and living harmoniously with a civilian community. Included, also, may be complete assumption of executive, legislative, judicial, and administrative functions of an occupied enemy territory during or immediately subsequent to hostilities. Such matters as location, agreements in force, national policy, international law, and whether hostilities are in progress influence the conduct of civil affairs. Civil affairs operations may be conducted by or in support of combatant forces in areas and under the circumstances indicated below:

a. Show of force through mobilization or deployment.

b. Counterinsurgency operations.

c. Peacetime military activities in U.S. territory.

d. Territory of a friendly power during peacetime on the basis of an agreement.

e. Disaster relief or invitational emergency intercession within the jurisdiction of a foreign power.

f. Assistance in civil defense, emergency, or disasters in both foreign and domestic territory.

g. Territory of a friendly power during wartime generally on the basis of an agreement.

h. Wartime activities in the United States.

i. Occupation of enemy territory.

j. Occupation of liberated territory, with or without a civil affairs agreement.

1-4. Civil Affairs Agreements

a. Generally, civil affairs and status of forces agreements are concluded at the diplomatic level. Normally, the appropriate military authorities are consulted on the substance of these agreements. The appropriate military commander should prepare and submit appropriate recommendations on the substance of these agreements to the responsible diplomatic person. The senior military commander, upon instruction, may negotiate civil affairs agreements and necessary implementing agreements with the central government, political subdivisions thereof, or with a responsible functioning government in previously hostile territory.

b. In emergency situations it is possible that initial operations may be conducted without benefit of a formal agreement. Under these circumstances, agreements should be negotiated as rapidly as possible unless it is in the best interests of the United States not to do so with a particular government. Initial agreements may be limited in scope and be subject to major revision or extension with the passage of time and accumulation of experience. When time and knowledge of areas permit, theater or other appropriate commanders should, prior to entering areas of operation, draft civil affairs agreements to serve as a basis for discussion and to set out operational requirements of the military command. Guidance in the preparation of these draft agreements will be provided by the Director of Civil Affairs, Office of the Deputy Chief of Staff for Military Operations, Headquarters, Department of the Army, or, when established, by the joint civil affairs organization within the Joint Chiefs of Staff.

c. Among matters which may be delineated in a civil affairs agreement are—

(1) Programs of common defense and measures for security.

(2) Channels of official liaison between United States forces and echelons of government at all levels.

(3) Official relationships with third party governments, people, and instrumentalities.

(4) Authority for the military commander to take emergency measures dictated by the necessities of the military situation.

(5) Provisions covering such matters as freedom of movement, bearing of arms, criminal and civil jurisdiction of host nation tribunals, taxes, licens-

ing, customs payments, postal services, and similar regulatory matters.

(6) Policies and procedures with respect to claims involving both public and private property.

(7) The extent of jurisdiction, if any, which U.S. forces may exercise over the civilian population.

(8) Extent of authority, processes, and reimbursement policies in connection with procuring by US. forces of facilities, supplies, labor, and other services.

(9) Fiscal arrangements including currency to be used in the area and regulations with respect to its possession and exchange processes.

(10) Details as to character and amounts of military and civilian supplies and services which each government will furnish and essential administrative procedures.

(11) Coordination on matters of health and sanitation.

(12) Operation of educational institutions or public utilities.

(13) Supervision of law enforcement system or operation of court system.

d. The senior U.S. commander should maintain close liaison with U.S. diplomatic representatives to insure maximum efficiency, unification of policy, and delineation of responsibilities and functions. Usually scope of authority and procedural guidance will be covered in an Executive Order issued by the President of the United States or by policy directive originated within the National Security Council.

1-5. Objectives

a. Effective civil affairs operations will assist the military commander in the accomplishment of his objectives, regardless of area of operation or mission, through the following:

(1) *Support and implementation of national policies.* The pattern and goal of civil affairs operations depend upon national policy. Development of policy is primarily the responsibility of nonmilitary agencies. The implementation of policy, however, may be the responsibility of the Armed Forces. Commanders must take those measures necessary for the accomplishment of their general missions and request guidance, where it has not been provided in sufficient detail, to serve as a basis for planning and for the attainment of military-political objectives.

(2) *Fulfillment of obligations arising from treaty, agreement, or customary international law.* Regardless of the circumstances under which U.S. Armed Forces are employed in other countries, international law imposes on the military commander obligations concerning civil populations, governments, and economies. These obligations are usually specified in an agreement—status of forces, civil affairs, aide-memoire, or similar arrangements, or by the law of war. These obligations are set forth in the Hague Conventions of 1907, The Four Geneva Conventions of 1949, FM 27-10, DA Pam 27-1, and other service publications.

(3) *Support of military operations in armed conflicts.* Civilian unrest and disorganization associated with and resulting from insurgency and regular combat action may seriously hinder effective employment of military forces. Tasks include control of refugees and displaced persons, maintenance of order, emergency prevention and treatment of disease, procurement of local manpower and material resources, provision of civilian relief, and stress upon conduct of relationships with civilian government, agencies, and people.

(4) *Support of other military operations.* Of equal importance, and often presenting more complex problems of negotiation and administration, are

peacetime military-civil relationships where commanders have neither authority nor jurisdiction over civilians and may even share authority over their own installations and personnel with constituted agencies of civil government. Under these circumstances, trained civil affairs staff officers and the functional experts of civil affairs units provide an efficient medium of liaison and negotiation.

(5) *Maintenance of reestablishment of civil government administration.* When political institutions, economic systems, and processes of civil administration are disrupted or rendered impotent by disaster, war, or insurgency, many of the functions normally performed by civilian governments and agencies may be assumed by the military. Initially, as in the case of occupied hostile territory, this may include assumption of authority and responsibility for the exercise of any and all governmental functions. As situations become stabilized, many of the functions exercised by the Armed Forces are returned to civilian agencies. The transition normally is gradual and requires careful advance planning for each phase of transference.

b. Successful accomplishment of the objectives large part depends on the following:

(1) Adequate plans based upon existing facts and circumstances, departmental guidance, and policy determinations.

(2) An adequate staff capability to assist the commander in carrying out his civil affairs responsibilities. When the scope and nature of operations require functional or operational civil affairs capabilities, civil affairs units should be provided.

1-6. Principles of Operation

Certain principles pertaining to civil affairs have universal application. These principles are reflected in SOLOG AGREEMENT 29.

"1. The following general principles apply to all Civil Affairs and Military Government Operations; they are the basis for initial planning purposes in the absence of specific guidance:

a. Humanity. The principle of humanity prohibits the use of any degree of violence not actually necessary for the purpose of the war. War is not an excuse for ignoring established humanitarian principles. To a large extent these principles have been given concrete form in the law of war; but because all of these principles have not become legal rules, a military commander should consider whether a proposed course of action would be humane even though not prohibited by international law.

b. Benefit of the Governed. Subject to the requirements of the military situation, the principle of governing for the benefit of the governed should be observed.

c. Reciprocal Responsibilities. The commander of an occupying force has the right, within the limits set by international law, to demand and enforce such obedience from the inhabitants of an occupied area as may be necessary for the accomplishment of his mission and the proper administration of the area. In return for such obedience, the inhabitants have a right to freedom from unnecessary interference with their individual liberty and property rights.

d. Command Responsibility. Responsibility and authority for the conduct of Civil Affairs/Military Government operations are vested in the senior military commander, who is guided by directive from higher authority, national policies, applicable agreements and international law.

e. Continuity of Policy. Continuity and consistency in policy are essential to the success of Civil Affairs/Military Government operations. Therefore, it is fundamental that overall policy be developed at governmental or top command levels and transmitted through normal command channels.

f. Inclusion of Civil Affairs/Military Government Aspects in Plans and Orders. It is essential that military directives, plans and orders contain guidance to insure the accomplishment of the Civil Affairs/Military Government mission.

g. Economy of Personnel. The duties of Civil Affairs/Military Government personnel should be confined where possible to supervision over existing or reestablished civilian authorities.

h. Integration in Combined Operations. In combined operations integration is desirable. This is achieved by exercising Civil Affairs/Military Government control through a com-

bined command as opposed to establishing separate areas of national responsibility. Such integration should be included at appropriate command levels but should not extend to the command of Civil Affairs/Military Government units of one nation by officers of another."

CHAPTER 2

MILITARY-CIVIL RELATIONSHIPS

2-1. General

The mission of a military commander includes the responsibility for actions to secure local understanding and support-to reduce or minimize the frictions inherent in the stationing or deployment of U.S. military forces. This responsibility, inherent in command, cannot be delegated. A commander should, however, utilize his staff to insure essential liaison, coordination and control of activities associated with relationships between military forces and civilian government agencies and people. The character and degree of mutual support and cordiality attained in these relationships constitute a responsibility of command second only in importance to tactical operations and often have a direct bearing on the success of assigned missions. The impact of these relationships upon the performance of the mission of a command is a primary concern of the military commander at all levels of command.

2-2. Relationships in CONUS

a. The success of military operations and activities can be assured only by developing compatibility between civilians and the military. Such a relationship is made up of many component parts. Among them are the extent of participation in and identification with the affairs of a community by military units and personnel resident in or near that community; the degree of friendly cooperation involved in the conduct of official business; and the behavior of individual members of the military forces, particularly when absent from duty stations. Broad guidelines for conduct of relations with civilian authorities, agencies, and individuals together with jurisdictional delineations are contained in pertinent laws and regulations. In time of war or national emergency, security considerations, requirements for closer control of individuals, and operational commitments increase the scope of authority and jurisdiction of military commanders. In the United States civil authority is paramount, but under circumstances of civil emergency or hostile attack, military authority may temporarily support or displace segments of civil administration which are incapable of carrying out normal functions. Mission success will be directly influenced by the manner in which military-civil relationships are coordinated and conducted. Responsiveness to civil defense requirements will reflect prior liaison and planning between elements of the military establishment and adjacent civilian communities.

b. Civil affairs staff officers and units have a valuable capability to assist commanders in the exercise of their required functions in domestic emergencies or in the aftermath of hostile attack (JCS Pub 2).

c. A U.S. military commander or domestic territory may, on instructions from higher authority or on his own initiative where circumstances do not permit delay, take such action as may be necessary to maintain law and order and the continuance of essential governmental services. Emergencies which justify resort to martial law may include flood, earthquake, windstorm, fire, riot, civil disturbance, or any other extraordinary circumstance beyond the capabilities of civil governmental officials. Although in the United States no declaration of martial law is necessary, it is custom-

ary for the President, a governor, or a military commander to publish a proclamation to inform people of the nature of the emergency and the powers granted or assumed by the military commander. This proclamation, of itself, does not necessarily confer authority on the military commander. It does serve, however, to define the area of military control and the specific governmental functions to be exercised. An initial proclamation of the type discussed in paragraph 6-2 *e* may, with appropriate modification of language, be applicable. Government in the United States is a civil responsibility, and the scope of military authority is limited in application, to the necessities of the circumstance. Military officials of foreign countries possess similar powers with the limits of their authority varying among countries.

2-3. Relationships Abroad

a. All aspects of military-civil relationships of concern to commanders on domestic soil are present in oversea areas. In foreign countries, new complexities and sources of friction are introduced by language barriers, differences in customs, and diverse legal procedures. In addition, the terms of international law and agreements, necessitate close coordination with allies. The hostile attitudes and activities of insurgent or other anti-U.S. elements will complicate and multiply the problems of the U.S. commander concerned. In enemy areas, national policy and international law provide general criteria for guidance and administration. In friendly countries, policies, privileges, and authority must be negotiated against a background of the political, economic, and sociological structure of the individual country, especially when military units are not engaged in active hostilities. Still other problems arise from dislocations of populations, disruptions, and antagonisms caused by combat or maneuvers. Possible locale and conditions of employment are too varied to touch more than generally on a few representative environmental factors which will tend to complicate military-civil relationships. Some or all of the following conditions may exist:

(1) In some situations, the attitude of the recognized government may be hostile to the introduction of U. S. concepts, and the government may lack the support of large segments of its population. In other situations, the recognized government may have the support of the majority of its people, but the popular attitude may consider U.S. political, economic, and social concepts as inferior or as not responsive to their needs.

(2) Legal institutions and conceptions of fundamental rights, although they may satisfy the aspirations of the people may not conform to our legal traditions. That they are different does not mean that they are inferior.

(3) Officials may be permitted to accept gifts and hospitality under circumstances that would justify a charge of unethical or criminal conduct in the United States. Bribery and other forms of malfeasance, though prohibited by law, may be accepted practices as a result of local conditions.

(4) Public communications media may be controlled and censored or be irresponsible by U. S. standards.

(5) Women and children by tradition may have an inferior status, and universal public education may be considered undesirable for economic or cultural reasons such as poverty, religion, race or caste.

(6) A small fraction of the population may control large segments of land or other forms of property productive of wealth.

(7) Religious practices may be contrary to usual U. S. notions of justice and individual liberty. The religious traditions of the people may penetrate every facet of their private and public lives. The church establishment may be controlled by the government, or vice versa, lending either theological sanction to political action or political support to church dogma.

(8) Lack of adequate education or resistance by affected groups may have slowed improvements in health and

sanitation and more efficient agricultural and industrial practices.

(9) Wage scales may be radically different, for instance, mechanics may command higher pay scales than medical doctors or public officials.

(10) Different physical conditions and factors of resistance may make U. S. troops particularly susceptible to endemic diseases.

(11) Humanitarian motives which may prompt U. S. personnel to furnish emergency relief or render first aid may run counter to local law, religion, or cultural standards. Individuals may not want to be helped or may become overly dependent if they receive bountiful aid from U. S. troops. Indiscriminate largess from U. S. personnel may upset local economic conditions and not only earn no gratitude but also may impose additional responsibilities for the U. S. forces.

(12) U.S. labor employment and procurement activities in less well developed areas could be highly inflationary because of increased income without compensating increases in consumer goods production.

b. Military-civil relationships abroad are thus more complex and more challenging than in the continental United States. They provide commanders with added incentives and opportunities to exercise initiative and enterprise, to advance national policies, and to develop lasting international friendships of mutual benefit to the United States and the host country. Even where the recognized government of the host country has invited U.S. military units into its territory and has concluded agreements providing for their status and for the reciprocal responsibilities of the visiting force and the local authorities, politically inspired opposition to our aims and objectives may be encountered. Such opposition overtly or covertly organized by political groups hostile to the United States or its allies can be expected to use every form, magnify each unfavorable incident, distort the reasons for the presence of U.S. forces, and generally use every tactic and technique to prevent attainment of U.S. objectives. In the face of such opposition civil affairs staff officers and specialists and other personnel performing civil affairs functions must assist the commander and all members of his command in maintaining a favorable image of the presence of U.S. forces.

2-4. Wartime Considerations

During periods of active hostilities, commanders in the continental United States have many added responsibilities. In addition to more critical security considerations for their personnel, plans, equipment, and facilities, they may have important civil defense support role for civilian communities and assignments to safeguard utilities, transportation, and communication facilities and industrial plants of joint military-civil interest. In oversea areas, the problem of achieving maximum civilian support and minimum civilian interference with tactical and logistical operations requires major emphasis. Troops may stage on or occupy territory of friendly powers where constant adjustments must be made between security measures, operational efficiency, and alienation of essential goodwill. There will be shortages of civilian manpower, facilities, and supplies to meet the essential needs of the local population and the requirements of the United States and friendly forces. In formerly hostile areas, the problem becomes particularly acute. Aside from inherent antagonisms based on patriotism, propaganda, and war suffering, commanders will be confronted with the tremendous complications of a war-shattered political and economic system. There will be shortages of essential food, shelter, and medical supplies, utilities and functions of public service will be damaged or destroyed; civil administration will have broken down; and streams of displaced persons and refugees will clog arteries of movement, pose threats to security, and compete for remaining housing. Under these circumstances, the manner in which civilians are treated and relationships are handled can tip the scale either toward civilian cooperation and support or active insurgency.

CHAPTER 3

CIVIL AFFAIRS ORGANIZATION

3-1. The Department of State

a. The Department of State is the agency primarily charged with formulation and implementation of foreign policy. In the field of civil affairs, the Department of State has primary or collateral interest in determination, among others, of policies concerning—

(1) The government in a particular country with which U.S. Armed Forces will deal.

(2) The extent to which the commander of U.S. forces will intervene in the government of a particular country.

(3) Any matters having an impact on our relations with other countries, particularly our allies and neutral nations.

(4) The level at which the economy of a given country will be maintained by civil affairs operations.

(5) The level of feeding of civilians in a country in which U.S. forces are stationed, or are in combat, to whom subsistence in part or in whole must be provided by those forces.

(6) Any matters involving psychological warfare, information and propaganda, and attitudes towards the indigenous populace.

(7) Plans for turning civil affairs activities over to civilian control after the conclusion of hostilities either generally or in a given country or area.

b. In oversea areas the exercise of the authority of the Department of State is vested in the Chief of U.S. Mission (the U.S. ambassador accredited to the country concerned or principal U.S. diplomatic officer in the area).

3-2. Department of Defense Level.

a. Office of the Secretary of Defense. The Office of the Secretary of Defense prescribes policies and programs affecting civil affairs operations of the Department of Defense, after coordinating with other Federal departments and agencies concerned.

b. Joint Chiefs of Staff. The Joint Chiefs of staff—

(1) Request, as required, guidance from the Secretary of Defense as to broad policies in the field of civil affairs operations.

(2) Formulate specific policies within the broad policies, modified as may be necessitated by requirements of the military situation, for transmittal to commanders of unified and specified commands and to representatives of the Joint Chiefs of Staff on allied policy-making bodies.

(3) Issue interim guidance and directives when, in an emergency, appropriate guidance is not available.

(4) Insure adequate coverage of civil affairs activities in all joint plans.

(5) Take such other actions as may be necessary to keep policy development and implementation abreast of current military, economic, and political trends.

(6) When circumstances indicate the requirement, establish with appropriate composition a joint civil affairs organization to assist the Joint Chiefs of Staff in discharging their responsibilities in the field of civil affairs planning and operations.

(7) When conditions warrant, recommend to appropriate authority the establishment of an organization, at allied command level, analogous to the joint civil affairs organization, and provide appropriate U.S. representation upon such organization.

c. Chief of Staff, U.S. Army. In accordance with directives issued by the Secretary of Defense and the Secretary of the Army, the Chief of Staff, U.S. Army, will—

(1) As Executive Agent for the Joint Chiefs of Staff for civil affairs planning, initiate, for appropriate consideration by the Joint Chiefs of Staff, actions required to discharge the responsibilities set forth in paragraph 3–l *b* until a joint civil affairs organization is established.

(2) Establish and operate civil affairs training installations for the basic civil affairs training of all U.S. civil affairs units and personnel.

(3) Mobilize, train, and provide civil affairs units and personnel required in unified and specified commands except to the extent that this responsibility may be specifically assigned to the Departments of the Navy and the Air Force.

(4) Furnish to the other services, at their request, qualified personnel for service in their civil affairs units as specialists in the fields in which the Army normally has an interest but in which the other services ordinarily do not require or maintain trained personnel.

(5) Make appropriate recommendations to the Joint Chiefs of Staff as to adequacy of detailed plans prepared by other agencies and by commanders of unified and specified commands as a part of the normal review procedure. He also insures the necessary coordination with U.S. governmental agencies.

d. Chief of Naval Operations and/or the Commandant of the Marine Corps. The Chief of Naval Operations and/or the Commandant of the Marine Corps will mobilize, train, and deploy civil affairs units and personnel required to support the operations of forces, activities, and facilities of the Navy and the Marine Corps in accordance with directives issued by the Secretary of Defense and Secretary of the Navy. This will be equally applicable to the Coast Guard when, in time of war, certain of its operations and facilities are assigned to the operational control of the Department of the Navy. Upon request of the Chief of Staff, U.S. Army, the Department of the Navy will provide specially qualified personnel for duty in Army civil affairs training and operational units as instructors or specialists in matters of primary concern to the Navy and Marine Corps.

e. Chief of Staff, U.S. Air Force. The Chief of Staff, U.S. Air Force, upon request of the Chief of Staff, U.S. Army, will furnish specially qualified personnel for service in Army civil affairs training and operational units as instructors or specialists in matters of primary concern to the Air Force.

f. Common Service Responsibilities. In accordance with directives issued by the Secretary of Defense and the Secretaries of their respective Military Departments, the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps—

(1) Direct their respective services to include adequate coverage of civil affairs responsibilities in service planning, to the extent appropriate.

(2) Make pertinent recommendations to the Joint Chiefs of Staff as to the adequacy of detailed civil affairs operational plans or annexes prepared by the commands, as a part of normal review procedure.

(3) Inform the Joint Chiefs of Staff of any developments that require modification of policy guidance or operational instructions issued by the Joint Chiefs of Staff, and recommend appropriate action.

(4) Determine and provide to the other

services for inclusion in their mobilization plans the estimated phased mobilization requirements for cross-service support related to civil affairs in furtherance of *c* (4), *d,* and *e,* above.

g. Commanders of Unified and Specified Commands. Each commander—

(1) Will plan for the conduct of such civil affairs operations as may be appropriate in his area of responsibility as an integral part of his mission, in accordance with guidance, policies, plans and operational instructions furnished him by the Joint Chiefs of Staff.

(2) Will secure, through the Joint Chiefs of Staff, civil affairs units and personnel required to execute his plan, in the same manner that other forces are secured.

(3) Will, as required, provide for a political advisor on his staff, to be furnished by the Department of State, whose duties shall be limited to advising him as to details of implementation of established policy, and for furnishing informal technical contact with the Department of State to expedite that department's decision as to matters of policy determination or changes.

(4) Is authorized, but not required, to delegate his authority for civil affairs matters to one of the service commanders in his area. The Army component commander normally will be the person to whom this authority is so delegated.

h. Unit Commander. Each commander of a unit of the U.S. Armed Forces, regardless of its size or subordination, will—

(1) Comply with applicable provisions of international law in his relations with the civilian persons in, and government of, a country in which his unit is stationed or in combat; and require such compliance by members of his command.

(2) Perform such missions in the field of civil affairs as may be directed by appropriate authority.

(3) Except as otherwise directed, look to appropriate civil affairs units and personnel to secure for him necessary assistance, supplies, and facilities from indigenous sources, and to deal with local civilians and government on his behalf.

3–3. Organization at Department of the Army Level

The Directorate of Civil Affairs is established as an element of the Army general staff within the Office of the Deputy Chief of Staff for Military Operations who exercises staff supervision over matters pertaining to—

a. Civil affairs activities under jurisdiction of U.S. Army incident to relationships resulting from implied or explicit agreements between the United States and other states relative to the stationing or employment of U.S. forces on foreign territory.

b. Civil affairs activities under jurisdiction of U.S. Army incident to the exercise of governmental functions in territory under the control of U.S. Armed Forces.

c. The planning and readiness measures requisite to United States Army conduct of civil affairs operations.

d. Monitoring programs and policies relative to Civil Affairs Branch (Reserve).

e. Civil administration of assigned foreign areas.

3-4. Organization for Operations

The organization for civil affairs in areas of operations generally consists of general staff sections and units. Operations normally will be conducted by joint or combined organizational structures. Each commander of a unified command will secure through the Joint Chiefs of Staff the required civil affairs units and personnel in the same manner as other forces are secured. Civil affairs authority normally is delegated to the senior U.S. Army commander in the area of operations. Integration of civil

affairs personnel is essential in combined operations but normally should not extend to the command of civil affairs units or detachments of one nation by officers of another.

3-5. Civil Affairs Staff Sections

a. The civil affairs section has primary responsibility for the planning, coordination, and supervision of civil affairs operations and for providing advice on relations between military forces and the civilian population and on the impact of military activity on a local community. It is on the general staff level at most echelons of Army command down to and including divisions and comparable commands. On joint staffs, the civil affairs section will be given an appropriate joint staff designation. In a large command or where civil affairs functions may become a major or primary mission of the command, the commander may appoint a deputy for civil affairs operations or make the civil affairs officer a member of his personal staff.

b. The staff organization for civil affairs activities should be sufficiently flexible to meet the particular needs of the command echelon and area in which it operates as determined by the commander. It should provide not only for contingencies of wartime but also for conditions short of war and peace. At army, corps, and division headquarters and at comparable levels in the communications zone, civil affairs functions normally are conducted by a separate entity of the commander's staff. At lower echelons in the combat zone and communications zone, a civil affairs subsection operating as an element of the operations or command section may perform the required functions. The civil affairs staff section or equivalent staff element assists the commander in the exercise of his command by performing the duties prescribed in FM 101-5.

c. Standardization of Operations and Logistics (SOLOG) Agreement 41, and Standardization Agreement (STANAG) 2058 provide that a division headquarters of the powers concerned will include a civil affairs officer and staff when the division operates under the command of a U.S. Corps. (This will not apply when assignment is temporary.) The armies of these countries will accept the responsibility for appropriate administration and support required by attached civil affairs personnel or units of any of the other armies.

d. For further information on civil affairs staff organization and procedures see JCS Pub 2, FM 41-10, and FM 101-5.

3-6. Civil Affairs Units

a. A commander delegated authority to conduct civil affairs operations normally will exercise that authority through a single civil affairs command consisting of a headquarters unit and its subordinate units and teams, such as the theater army civil affairs command (TACAC). Most civil affairs commands possess flexibility based on cellular-type functional teams and are capable of performing either command or area support operations.

b. Civil affairs command support units are those provided for operational use to Army groups, fleets, air forces, field armies, corps, divisions, and other commands (including MAAG's and missions), as required. Units may be either assigned or attached and normally will accompany the command in movement.

c. Civil affairs area support units are attached to major tactical or administrative units to augment command support units or to perform civil affairs functions in specific geographical or political subdivisions or of a specialized nature.

d. Support units will vary greatly in strength and composition, being tailored to the requirements of the supported organization and its mission. The smallest civil affairs unit may operate separately in command support of a combat division or, with appropriate augmentation, conduct area operations in a town, rural county or similar political subdivision. Civil affairs units with greater capability are designed to assume responsibilities for the civil affairs operations of progressively higher military echelons or to conduct area operations in large cities, provinces, states, or countries. This flexibility of civil affairs units is inherent in

their cellular-type organization which lends itself to tailoring for any given mission.

e. Civil affairs units are provided to area-oriented counterinsurgency forces. These units provide personnel possessing those civil affairs skills required by the mission.

3-7. Functions and Teams

a. Civil affairs units gain their flexibility and comprehensive capability to conduct assigned missions through the size and composition of cellular functional teams. These teams, of graduated strength, consist of individuals who are technically qualified either to advise or to direct civilian counterparts in any political, economic, or sociological function. They may perform the functions themselves where the civilian apparatus is inoperative. For purposes of training, administration, and operations, civil affairs functions are divided into 21 separate categories which generally are consolidated into four broad areas of more nearly related activities in the interest of organizational standardization and effectiveness of control span. Each function is related to a certain extent to every other function, and their overlapping and interlocking relationships obviate exclusive interest within any functional area. At the same time, some of the individual functions impose requirements for specialist personnel in more than one skill. For example, the food and agricultural function may require experts in agronomy, animal husbandry, forestry, fisheries, manufacturing, processing, storage, and distribution.

b. Nothing contained in this paragraph is intended in any way to derogate from the authority and responsibility of other staff agencies of the various military commands.

c. In actual operations, functional organization will vary with the nature of the mission, availability and individual qualifications of personnel, and commander preferences. In this manual (see FM 41-10 for additional guidance) they are grouped into the following categories:

(1) *Government functions.*
- *(a)* Civil government.
- *(b)* Public law.
- *(c)* Public education.
- (d) Public finance.
- (e) Public safety.
- (f) Public health.
- (g) Public welfare.
- (h) Labor.

(2) Economic functions.
- (a) Economics.
- (b) Civilian supply.
- (c) Commerce and industry.
- (d) Food and agriculture.
- (e) Price control and rationing.
- (f) Property control.

(3) Public facilities functions.
- (a) Public works and utilities.
- (b) Public communications.
- (c) Public transportation.

(4) Special functions.
- (a) Displaced persons.
- (b) Arts, monuments, and archives.
- (c) Civil information.
- (d) Religious affairs.

d. The governmental functions deal with those activities normally associated with government. The primary mission here is the promotion or restoration of governmental stability under law.

(1) *Civil government.* This function is concerned with the structure and conduct of government at all levels. Exercise of the function is based on knowledge of governmental practices and political activities, application of local history, and review of actions of civil officials in accordance with competent directives. The goal is implementation of policy decisions and law with respect to control of, or relationship with, government in the area of operations. Included in this function during an occupation are such activities as the establishment of appropriate political organizations and governmental structures, the selection of officials to be installed, removed or retained, and the day to day surveillance over governmental agencies to insure adequate support of U.S. forces and adherance to the purposes of the occupation. During an operation involving lesser degrees of

control the civil government function may involve liaison with government agencies on matters of mutual concern to the U.S. forces commander and local agencies of the host government. Such liaison will be carried out in consonance with the agreed terms established at national level by the host government and U.S. Department of State representatives.

(2) *Public law.* This function deals with the legal implications of relations with the governments and populations of nations wherever U.S. military personnel are present. These functions may include, depending upon the circumstances, some or all of the following matters:

(a) Preparation of opinions on questions of law pertaining to civil-military jurisdiction, contracts, bonds, and other administrative matters.

(b) Creation of or supervision of tribunals.

(c) Review of or drafting of agreements with local authorities.

(d) Review of or drafting of legislation such as decrees, ordinances, and similar type documents.

(e) Legal advice in connection with problems arising from local procurement and supply actions.

(f) Provision of assistance to and training of local legal personnel.

(3) *Public education.* This function is concerned with the assistance in or supervision of educational programs and institutions, including libraries. Included are the closing or establishment of all schools; determination of curricula; screening of administrative and instructor personnel; control of facilities, school supplies and books; and preparation of procedures for supervision of administration.

(4) *Public finance.* This function is of vast importance in the conduct of economic warfare and economic stabilization measures. It includes control, supervision, and audit of fiscal resources, budget practices, taxation, expenditures, handling of public funds, currency issues, and financial institutions; determination of fiscal. accounting procedures; review of public finance laws, and similar activities. It is essential that activities in this function be accomplished in an integrated and uniform manner within each national area.

(5) *Public safety.* This function, basic in civil affairs operations, includes a variety of activities designed to exercise populace and resources control and promote public order. Among the principal public safety activities are law enforcement measures, including traffic regulation, police patrols, crime prevention, control of public meetings, parades and the like; fire-fighting; restoration of order in disasters, civil disturbances, and civil defense emergencies; arrangement for warning services; counterguerrilla measures, operation or supervision of confinement facilities; coordination with counterintelligence activities; and safeguarding of supplies, materiel, equipment, buildings, and areas.

(6) *Public health.* This function is concerned with measures to preserve or restore conditions of public health and to protect the health of military forces. It includes such fields as review of adequacy of medical and auxiliary personnel; administration or supervision of medical and sanitation facilities; care and disposition of remains; protection of food and water supplies; disposal of sewage and waste; arrangements for preventive medical services; and treatment of sick and wounded civilians, including provisions for medical assistance by military units when necessary. In war situations, it has now been provided by the Geneva Civilian Convention of 1949 that belligerents must protect

the wounded, sick, aged, children, and expectant mothers from the effects of war. This Convention also provides that civilian hospitals and medical transportation facilities are entitled to the same protection from attack as is provided for military medical units and facilities.

(7) *Public welfare.* This function is concerned with emergency and relief measures essential to public order and welfare. Included are supervision over public and private institutions for the care of children, the aged, and handicapped and over miscellaneous charitable and relief organizations. Emergency shelter and feeding centers, relief supplies from military sources, safeguarding appropriate establishments, and the area defense and evacuation plan may be involved.

(8) *Labor.* This function is concerned with assistance to, liaison and coordination with, and in appropriate cases, supervision or operation of government and private agencies concerned with labor. Typical areas of concern are—

(a) Determination of the availability of manpower for essential civilian requirements, rehabilitation of economy, and military support function,

(b) Maintenance or development of wage and manpower controls within the local economy,

(c) Maintenance or development of laws and regulations for the protection of workers,

(d) Operations of labor organizations,

(e) Settlement of labor disputes.

In addition to activities in the labor field directed primarily to the local economy and government, civil affairs elements provide assistance in the procurement of labor available from refugee or local civilian sources, to U.S. Armed Forces staff and operating elements concerned with the utilization and administration of civilian personnel in direct military support functions. (For guidance on the administration of foreign labor in direct military support, see DA Pam 690-80/NAVEXOS P-1910/AFM 040-8/NAVMC 1196, and paragraphs 14.4-14.6, and 15.10–15.12, FM 100-10.)

e. Economic functions are significant in considerations of mutual military support, rehabilitation programs, and long-range economic plans, and environmental improvement.

(1) *Economics.* This function includes the general matters pertaining to the economy of an area such as restoration, military use of local resources, economic warfare plans, economic stabilization measures, exports and imports, production and movement of goods, and laws and agencies concerned with economic activities. The extent of command involvement is contingent on the mission of the U.S. force.

(2) *Civilian supply.* This function is concerned with military supplies for use by, or for the benefit of, the civilian population or with civilian supplies required for military use. In occupations and during conflicts not of an international character, the minimum command responsibilities prescribed by the Geneva Conventions of 1949 (DA Pam 27-1) will apply. These obligations may be extended by U.S. policy. In other situations, specific treaties and civil affairs or other agreements will delineate the military commander's responsibilities and the local civilian contribution to the military effort. Some of the factors to be considered are strategic-logistic aspects, normal standards of living, agricultural and industrial patterns, transportation available for distribution of supplies, and adequacy of protection for civilian resources.

(3) *Commerce and industry.* This function is concerned with the develop-

ment of, or relationship with, local commerce and industry in accordance with the U.S. policy or announced objectives to include plant rehabilitation and offshore procurement potentials. Included are surveys of basic activities, facilities and potential; determination of requirements for machinery, raw materials, and supplies, and supervision of natural resources.

(4) *Food and agriculture.* This function applies to civilian production, processing, storage, and distribution of foods to reduce the importation of food for civilian and military use. It also has application to land conservation, fishing, forestry, and farm machinery. Included are surveys of farming methods, natural resources, and processing facilities; estimates of requirements for food, fertilizer, and farm machinery; and recommendations on controls, restrictions, and protective measures.

(5) *Price control and rationing.* This function concerns measures to insure equitable and effective distribution of essential commodities. Control of prices, rationing, rent control, and other related restrictions may be required to prevent hoarding, inflation, black-marketing, and diversionary activities. Included are supervision of officials, procedures to control and allocate imported supplies, measures to prevent exportation of needed supplies, and control or prohibition of purchases and sales between troops and civilians.

(6) *Property control.* This function is concerned with measures in implementation of laws, regulations, and directives bearing upon the control, management, administration, preservation, and custody of various categories of property. In the discharge of this function, it is extremely important that complete and accurate records are maintained of the property placed under property control. These records should include the description of the property, its location, the names and addresses of custodians and claimants, its value, and any other pertinent information. In this way the legal rights of potential claimants for the property may be protected and the possibility of expensive and protracted litigation involving the United States may be reduced.

f. Public facilities cover three somewhat related technical functions which have both national and local import. They are particularly significant because of their close relationship to, and possible direct employment in the military effort and because of their importance to programs of environmental improvement and population control.

(1) *Public works and utilities.* This function is concerned with such facilities as buildings, dams, water, gas, waste disposal, and electrical power, included are survey of facilities, analysis of regulatory agencies, determination of utilities requirements, and allocation of utilities to military and civilian use.

(2) *Public communications.* This function is concerned with postal services and with all civil communications facilities and equipment not under the direct military control of the signal officer. It is also concerned with such matters as civilian technical specialists in this field, communication parts and materiel, regulatory organizations, and international agreements relative to communications.

(3) *Public transportation.* Railways, highways, airways, and waterways which are under government or private operation and which form a system of public transportation are within the scope of this function. Command interest may extend to military use, routes, regulatory agencies, technical assistance, protection, and operation.

g. Special functions are a residual category of civil affairs activities dealing with people, their rights as individuals, and cultural and related activities. They have special significance to the commander, not only because of requirements under international law, but because of the intense effects they have on people's attitudes, allegiances, and respect or distrust of his forces and operations. They are grouped for reasons of convenience and to facilitate staff supervision of closely related activities. They include—

(1) *Displaced persons, refugees, and evacuees.* This function is concerned with the control, care, repatriation, or settlement of displaced persons, refugees, and evacuees or with the movement and reestablishment of village or small town populations in a government relocation program. Activities normally included are movement control to prevent interference with military operations, planning for construction of refugee camps, and operation or support of such camps.

(2) *Arts, monuments, and archives.* In its broad aspects, this function seeks to insure respect and protection of the traditional culture, customs, and arts of an area. It is specifically concerned with maintenance or establishment of protective measures for cultural property such as important religious edifices, monuments, and movable objects including archeological, historic, scientific, and artistic objects and collections. This function also includes archival duties and tasks concerned with cultural, governmental, and economic records having an intelligence value. The function may include an area of concern with cultural affairs and respect for local customs and traditions.

(3) *Civil information.* This function is concerned with the supervision and control of mass communications media such as press, radio, television, and the information implications of motion pictures and entertainment; censorship, and the dissemination of information; and all facilities required therefor. These media may be used in the dissemination of a commander's policies and purposes or to gain the understanding, confidence, and support of a population toward the accomplishment of his mission. Psychological operations consolidation units may be attached to civil affairs units to support civil information operations or psychological operations personnel presently on the commander's staff may be utilized for the same purpose.

(4) *Religious affairs.* Commanders charged with this function should endeavor to foster or preserve religious freedom; to protect shrines, buildings, symbols, and devices associated with religion, and to support clergy of all faiths and creeds in their peaceful practices. Restrictions on the freedom of religion and the practice thereof are permitted only in the interest of public order, public health, and morals. Rites detrimental to the life or health of the practitioners may be prohibited.

3-8. Personnel

a. The extensive authority given to personnel of all ranks assigned to civil affairs duties requires a high degree of integrity, honor, judgment and prudence. Under no circumstances should individuals allow themselves to become compromised or indebted, socially or otherwise, to any local individual or group. They should be astute and considerate in all personal relationships, conducting themselves with simple dignity as befits their position and the government they represent. A civil affairs operation conducted by or on behalf of an allied government or by the United States alone will follow a pattern as determined by policy decisions. Although individuals may hold differing views on policy pronouncements, they must take care that personal opinions neither interfere with

the execution of their duties nor are transmitted in any manner to the local populace. During war, at the termination of active hostilities, or during counterinsurgency operations, it may become necessary to assign additional personnel to civil affairs staff sections and units. Every effort should be made to select persons best suited to such duties and to give them such preparation as the situation permits. A sudden influx of untrained personnel into civil affairs activities should be avoided. It is essential that, personnel engaged in such duties be constantly supervised and their actions observed by competent supervisory personnel.

b. The qualifications required by personnel engaged in civil affairs operations vary greatly. Civil affairs officers fill four types of positions—

(1) *Civil affairs staff section chiefs and deputies.* These officers should be experienced in military organization, tactics, and staff procedures. Their training should include civil affairs principles, policies, and organization.

(2) *Functional specialists.* Functional specialists must be highly qualified, through education and experience, in the supervision of such functions as economics, government controls, public facilities, and other functions previously enumerated.

(3) *Unit commanders and executives.* These positions are occupied by trained civil affairs officers with knowledge of military organization and administrative procedures and with command experience.

(4) *Unit officers.* Officers assigned to civil affairs units must have had general military training, as well as civil affairs training, sufficient to qualify them for the specific jobs to which they are assigned.

c. Civil affairs enlisted personnel fall within two general categories—

(1) *Military administrative and service personnel.* Enlisted personnel assigned to purely military functions are selected by military occupational specialty (MOS) or Navy enlisted classification (NEC) or Air Force specialty classification (AFSC). Such personnel should normally receive unit and functional training in civil affairs units.

(2) *Specialists.* Enlisted men of this category are selected on the basis of military and civilian background and training. After selection, they are given training in the application of their special knowledge to civil affairs situations.

3–9. Training

a. The civil affairs responsibilities of all military commanders will be emphasized. Training for counterinsurgency operations particularly will stress—

(1) The primacy of the political nature and objectives of military operations.

(2) That the interplay between military and political objectives is so intricate that they must be carefully balanced; and

(3) That every military move must be weighed with regard to its political effects and military effects.

Civil affairs staff sections and units will participate in command post exercises and maneuvers and elements of participating forces. It is desirable that such staff sections and units be trained with the force or at the level of operations to which they will be assigned.

b. Personnel selected for civil affairs duty will be given appropriate training in the functions and capabilities of civil affairs units and staff sections. Where appropriate the training of functional specialists will be directed toward adapting civilian skills to the civil affairs mission rather than attempting to create functional specialists from military personnel who lack such training, experience, or skills.

c. Training principles have been standardized by agreements between the United States, United Kingdom, and Canada in SOLOG, among the NATO powers in STANAG (FM 41–10) and among the SEATO powers in SEASTAG. In addition to the training of civil af-

fairs personnel, STANAG Agreement No. 2065 and SEASTAG Agreement No. 2065 call for basic orientation in civil affairs to be provided for all active duty military personnel prior to or during movement overseas. All officers on active duty will be given instruction to impart a general knowledge of civil affairs organization and operations.

d. The Department of the Army has been given the responsibility for all civil affairs training except for such responsibility as may be specifically assigned to the Navy or Marine Corps for the support of their own activities and facilities (JCS Pub 2).

3-10. Other Agencies

a. In the execution of his civil affairs responsibilities, a commander may assist or receive assistance from agencies outside his military establishment, such as private organizations, U.S. civilian governmental agencies, international organizations, or foreign military or civilian agencies and organizations engaged in various civil affairs related activities in an area of operations. Subject to any applicable agreement or provision of law or regulation, commanders may cooperate with such agencies in the exchange of information and assistance and in the attainment of mutually compatible objectives. Policy on coordination of activities should be developed at the highest echelon. On the working level, close liaison should be maintained.

b. Civil affairs staff sections or units may require the attachment or assignment of qualified personnel not normally found in civil affairs units to perform in specialized functions or to provide additional support. Supporting units or personnel may come from Army technical and administrative services (FM 41–10), the Navy, the Air Force, other U. S. governmental or private agencies, and allied or international organizations. The character and amount of support furnished by other agencies will be determined by the requirements for assistance, availability of supporting agencies, and theater policy. The potential diversity and complexity of civil affairs operations as to area and mission are such that it is only practical in a manual of this scope to touch upon a few examples of the type of support which may be required or available. They may include-

(1) *Navy or Coast Guard personnel to—*

(a) Manage or advise on operation of waterborne commercial shipping facilities and craft.

(b) Provide technical advice on currents, tides, and offshore weather.

(c) Assist in the development or rehabilitation of shipbuilding industries.

(d) Plan and police marine life conservation and industry programs.

(e) Carry out enforcement activities concerned with illegal shipping and commerce.

(2) *Aviation personnel (Air Force, Navy, Army, or civilian) to—*

(a) Furnish technical assistance in the initiation or improvement of commercial air service and facilities.

(b) Provide advice or assistance in the procurement or construction of aircraft and related equipment.

(c) Operate aircraft allocated to support of civil affairs operations.

(3) *Other U.S. governmental agencies to—*

(a) Provide national policy guidance (para 3-1).

(b) Assign liaison personnel in the interest of coordination, advice, and transition of controls.

(c) Assist in relocation and repatriation projects.

(d) Support relief, welfare, and rehabilitation operations.

(e) Furnish qualified technicians, specialists, and consultants to assist in special projects or situations.

(4) *Allied or international agencies to—*

(a) Staff international tribunals, control commissions, or advisory bodies.

(b) Render such additional assistance as may be required by policy or the exigencies of the situation.

(c) Support relief, welfare, health, and rehabilitation operations.

(5) *Religious, welfare, health,* and *mercial interests to-*

(a) Assist in relief and welfare programs.

(b) Aid in the establishment or development of educational programs and facilities.

(c) Advise in the development of local resources, industry, and trade.

CHAPTER 4

CIVIL AFFAIRS OPERATIONS

4-1. Civil Affairs Mission

The mission of a civil affairs staff officer or the commander of a civil affairs organization is to plan, advise, conduct, and supervise military contacts with civilians so as to produce the greatest contribution toward the accomplishment of the military objectives in a given area or country. The nature of civil affairs operations in a particular situation is affected by such variables as command mission, environment, status of hostilities, national policy, and the provisions of laws and agreements applicable to the command. Conditions differ, but the basic mission of securing local acceptance and support for U.S. forces, of minimizing or eliminating the frictions and misunderstandings that can detract from U.S. relations with a foreign state or U.S. military relations with an American community, remain the same.

4-2. Concept of Operations

a. Civil affairs operations are characterized by the fundamental concept of control of policy at the highest practical level, coupled with the integration of the military and civilian effort at the lowest echelon feasible. Such operations require intensive planning, flexibility, and maximum adaptation to, and utilization of, local political-social structures and resources. The factors which influence both the level at which policy control should be exercised and at which integration of the military and civilian effort should be accomplished are set forth in *b* below. The exact level of integration of the military-civilian effort towards a common objective must be a command decision because no two situations will always have the same relative balance of factors.

b. A military command may be operational under conditions ranging from peace to general war and civil affairs operations may be required under widely diversified conditions. These conditions may range as follows:

(1) *Developmental factors.* From control or assistance measures pertinent to the exercise of governmental functions in a highly developed area, with complex political, economic, and social systems, to measures for the improvement of the environment in an underdeveloped area.

(2) *Duration.* From protracted control or assistance measures extending over several years or decades, pending resolution of major political, economic, or military problems, to operations lasting but a short time and prompted by transitory, emergency situations.

(3) *Location.* From control or assistance measures undertaken in foreign territory to like measures instituted in domestic civil defense or disaster relief operations.

(4) *Popular response.* From operations involving a population actively supporting hostile elements to those receiving the enthusiastic support of a cooperative population.

(5) *Combat factors.*

(a) From operations in a society which has suffered total devastation and disruption to measures taken in one that has been undamaged by warfare and associated effects.

(b) From recourse to nuclear, chemical, and biological weapons under appropriate circumstances to the em-

ployment of conventional weapons only.

(c) From use of Army groups or field armies in a general war to the use of operational advisory groups in counterinsurgency situations.

(6) *Legal bases.* Depending upon the locale of the operations and the activities, civil affairs operations are governed by customary international law, international agreements, laws of the United States, and laws of the country concerned.

c. Civil affairs operations extend from the simplest form of advisory effort designed to assist a friendly military force in gaining the support of its own people to the most severe forms of military control over an enemy or otherwise hostile government or population. On the one end of this spectrum we find military civic action being suggested to a friendly country as a preventive measure against latent insurgency. On the other end we find the assumption by the military commander of full executive, legislative, and judicial authority over a conquered or otherwise unruly population. This span of possible missions and relationships requires corresponding flexibility in organization, planning, and operational concepts to achieve maximum effectiveness in the support and implementation of national policy.

d. Civil affairs unit operations fall into two distinct categories, command support and area support. Civil affairs units that provide command support are assigned or attached to major tactical or administrative organizations. When a parent command moves it is accompanied by its command support civil affairs organizations, and the functions previously performed by these units are turned over to other civil affairs organizations. Civil affairs units that provide area support, on the other hand, serve a general purpose function in that they are able to reinforce command support organizations, to replace them, or to take over administration of specifically assigned political or geographical entities or special task missions. Whenever practicable, area support units are designated well in advance in operations or contingency plans for specific areas and activities, and are area-oriented; they are also able to conduct emergency on-call operations where required. Such factors as population density and composition, character of mission, terms of applicable agreements, popular acceptance, alliance involved, area resources, and policy decisions will determine the composition and function of area support units. These area support units may in certain situations be composed of allied rather than U.S. personnel.

e. Implementation of the civil affairs portions of the area plan is normally an Army responsibility. The senior U.S. commander in the area insures that appropriate subordinate commanders can implement the civil affairs portions of the operations plan by providing qualified personnel for their staffs, and augmentations thereto; by furnishing command and area support units for deployment at the required time and place in accordance with the overall area of operations plan; and by insuring the timely issuance of the area civil affairs operations plan.

4-3. Situations Short of War

a. Obligations arising from mutual security agreements, commitments to international organizations, activities of another power which directly threaten the national interest, and foreign or domestic disaster may lead at any time to an emergency situation requiring the commitment of U.S. forces. A crisis may prompt another government to invite the United States to intercede, thus bringing U.S. forces into its territory on an invitational basis, with or without benefit of a previous U.S. commitment or agreement. Troops will be alerted, units will be moved, and operations, to include possible combat, will be conducted within the bounds of whatever restrictive policies may be in force. Regardless of the nature of the mission, the ever-present military-civilian relationship will be an important and continuing consideration for commanders.

b. In such limited operations, commanders should attempt through appropriate channels

to obtain an agreement with host governments covering relationships between their forces and the civilian authorities and population before commitment. These agreements normally are negotiated at governmental levels. However, where agreements have not been concluded prior to commitment or where initial details have been reserved to commanders, draft formulas covering command requirements should be prepared in advance as a basis for negotiation. Expeditious agreement on scope of activities, character of controls, claims procedures, and related factors will assist in eliminating operational restrictions, providing a basis for troop orientation, and committing host governments to formulate in advance agreements or understandings in areas of potential friction. Regardless of whether agreements are ratified on the governmental level, it is imperative that commanders establish policies and arrangements on the working level to insure coordination and harmony between their organizations and local governments and populations (para 1–4 *b*).

4-4. Counterinsurgency Operations

a. Insurgent movements can only achieve success when they acquire and maintain popular or coerced public support. Conversely, a fundamental prerequisite of any counterinsurgency operation is the separation of dissidents from the populace. The separation may be physical, psychological, or a combination of both. Methods used will vary with the strength of the insurrection movement, the character and amount of any external support, geographical factors, and the root causes that nourish dissatisfaction. Regardless of the measures used, it must be constantly borne in mind that the ultimate and decisive target is the people.

b. While prevention is the best answer for insurgency, it must be recognized as a practical matter that unrest and insurrection will continue in many of the new and developing countries of the world for the indefinite future. Since U.S. military personnel and organizations may be committed to active roles or support activities in counterinsurgency operations they require an understanding of, and appreciation for, basic factors involved in insurgent movements, including, for example, any or all of the following:

(1) Lack of national consciousness and identification with government.
(2) Establishment of boundaries arbitrarily determined in accordance with former colonial subdivisions or other unrealistic bases.
(3) Shortages of managerial and technical skills.
(4) Political opportunism, partisanship, and corruption.
(5) Population increases which transcend development of resources and production of creature necessities.
(6) Preoccupation with long-standing animosities associated with race, religion, ethnic factors, and historical political relationships.
(7) Dissipation of national resources and funds on symbols of status.
(8) Economic exploitation, actual or imagined, by world powers.
(9) Majority of wealth in minority possession.
(10) Low education levels.
(11) Division of resources involving assets external to or traversing national boundaries, such as inland waters development programs, and off-shore mineral, fishing, and navigation rights.
(12) International political rivalry.
(13) Atmosphere and water pollution, soil erosion, and crop damage.
(14) Subversion and political and economic warfare activities of hostile nations.
(15) Weak fiscal or monetary systems.
(16) Unrest prompted by disease, poverty, or inequity.

c. Operations directed against insurgents entail a delicate combination of necessary force and measures taken to relieve sources of unrest. The basic requirement is the alignment of the people with the aims of their lawfully constituted government. These aims are often brought to them only through the presence of a military organization. Good will between the

civilian population and the military organization can be enhanced through military assistance in programs of economic development and social advancement, welfare activities, emphasis on public relations and propaganda campaigns which identify the armed forces with civilian well-being, and protection for the civilians from guerrilla depredations and atrocities (FM 41-10 and para 4-5 and 7-3).

d. No less important are troop behavior and official policies concerned with contracts, payments, procurement, claims, administration of labor, and other economic-legal relationships. This applies to both host country military organizations and U.S. units committed either to perform support operations or to participate directly in counterinsurgency activities. U.S. troops assigned to duty on foreign soil need to be thoroughly oriented on the customs and mores of the area and impressed with the influence their behavior can have upon mission success. Individuals must be required to conduct themselves with decorum. They should respect local customs and rights of property and person. As time and scope of employment permit, area and language training should be incorporated on a continuing basis into unit training programs.

e. In a friendly country, U.S. military activities in counterinsurgency operations normally are geared to advisory and assistance roles with host organizations and in cooperation with other U.S. agencies. This may be accomplished under the terms of mutual assistance pacts. Guidance will be projected through assistance in planning, training, programing, and by demonstration. When the United States has been invited by a friendly government to intercede in a matter of internal disorder or external threat, the U.S. military commander should be accorded greater control authority in the interest of operational expediency. The extent of authority granted him should be covered in a status of forces or civil affairs agreements.

f. In the more violent stages of insurgency or rebellion, strong countermeasures may be imperative to achieve stability and control. Even here, however, the primacy of the political nature and objective of combat operations must be stressed. Armed dissidents are sought out, captured, or destroyed by military task organizations which must be trained to accomplish this mission with minimum loss and destruction to civilian life and property—for example, the avoidance of the indiscriminate use of area type weapons. Intelligence nets are reinforced and reporting procedures are expedited. The receipt of timely intelligence information from the population is a decisive factor in such operations, and this will be forthcoming in direct ratio to the positive nature of military-civil relations. Necessary regulations are imposed in such matters as credentials, curfews, movement, communications, accountability of personal property capable of conversion to hostile ends, suspension of civil rights, punishment of collaborators, evacuation or relocation, and rationing of critical supplies. Such populace and resources control measures must, if they are not to do more harm than good, be applied with fairness and humaneness as well as the requisite firmness. In any case, only those control measures should be applied which are required and which can be enforced. The promulgation of control measures which cannot be or are not enforced leads to additional disrespect of all governmental activities. Buffer zones are set up between the civilian population and internal guerrilla redoubt areas or havens in adjoining countries. Propaganda and counterpropaganda efforts are increased. Programs for community security are developed and subsidiary defense forces are organized to develop public confidence in the central government and to deny guerrillas coerced or pilfered support. These activities will facilitate the eventual transfer of functions to the duly constituted government. (FM 41–10 and chap 7.)

4-5. Military Civic Action

a. General. Promotion and support of military civic action programs as a part of civil affairs operations involves the use of preponderantly local military forces on projects benefiting the population and enhancing the relationship of the military forces with the civilian community. Projects may be in such fields as education, training, public works, agri-

culture, transportation, communications, health, sanitation and others contributing to economic and social development. (U.S. forces may at times advise or engage in civic action in oversea areas.) In new and emerging countries military organizations often possess a major share of skilled manpower, funds, and technical equipment, and may be able to make contributions from military resources to community socio-economic development beyond the capabilities of civilians and civil government. Further, in most of the new and developing states, the military forces may represent the cornerstone of political stability. In some, government actually is administered to a considerable extent by military units and officers. Regardless of the degree of military participation in political matters, the defense establishments in developing countries possess latent capabilities for internal development of greater real value than the more conventional role of defense against external hostile encroachment. They have trained administrators, technical specialists and a reservoir of disciplined manpower. They have transportation, engineering, and communication equipment; handtools; stockpiles of supplies; and control over land and facilities adaptable to civil as well as military support. The fundamental tenet of any successful civic action program is civilian self-help. The military organization may have a proportionately higher share of trained manpower, equipment, and funds, but the civilian base in any country has vast numerical superiority and greater overall resources in land, raw materials, facilities, machines, and equipment. Security forces can provide incentive, guidance, training, and support from organizational resources. They can undertake specified projects beyond the capabilities of civilian agencies and can assist in selected civic ventures. The greatest accomplishments, however, will be achieved where military planning, administrative ability, and technical know-how are used as the primer to stimulate self-aid programs in civilian communities.

b. Priority of the Military Civic Action Effort.

(1) *General.* Military civic action projects should be undertaken in relation to conventional assignments based upon priority of requirements to achieve national security objectives. In determining such priorities, it must be remembered that the primary security threat of most of the developing countries is rooted in internal unrest aggravated by economic and political problems, external subversion, and inflammatory propaganda. International forums and agreements combine to restrict the hazard of external armed aggression, but internal distress and denial of opportunity foment unrest and insurgency. Under these circumstances, military civic action projects are fully as important in promoting security and stability as are conventional tactics, weapons, and roles. Interference with primary military missions should be avoided, but, in some of the developing nations, constructive projects are as important to internal security and stability as normal military activities. Where active armed insurgency is not a factor, social and economic advancement to which military organizations make tangible contributions constitute an all important preventive measure against the inequities and discontent which spawn insurrection.

(2) *Counterinsurgency operations.* Military civic action operations must be thoroughly planned and integrated into all phases of counterinsurgency operations. The emphasis is on early initiation of civic action operation and other preventive measures which may eliminate the conditions which might otherwise cause any escalation to more advanced phases of. insurgency. Civilian populations which identify their best interests with lawfully constituted government on the strength of good will engendered by national forces will be reluctant to provide insurgents the supplies, manpower, se-

curity, and intelligence without which they have no prospect of achieving their ends. Results must be noticeable, and programs undertaken and progress achieved must be publicized through planned supporting psychological campaigns. Popular support, engendered by military contributions to social and economic betterment programs and the stabilization of political institutions and administration, assists materially in securing the separation of dissidents from population support and cover.

c. Coordination of the Civic Action Effort.

(1) *The U.S. country team.* Under the terms of an executive order, all agencies of the U.S. Government, operating in a foreign country, are subject to coordination by the U. S. ambassador to that country. Heads of these agencies are ex oficio members of the country team. The ambassador presides; the MAAG or Military Mission chief is usually the Department of Defense representative, although a senior military commander stationed in the country may also join the country team. Other members include directors of the Agency for International Development (AID), and the U.S. Information Service (USIS), embassy staff members such as the military attaches and chiefs of political and economic sections, and others whose duties or affiliations make membership appropriate. The country team is a forum for planning and control, and a means of generating the close cooperation and cordial liaison essential to prevent conflict of goals and duplication of effort, to decrease internal friction, and to increase tangible benefits in civil assistance programs.

(2) *Relations with nonmilitary organizations.* In foreign countries where U.S. forces are stationed, other governmental bureaus, international agencies, church groups, commercial interests, and private institutions may be working toward common or associated ends. Close coordination and cooperation by U.S. forces with these groups and individuals is essential it optimum progress is to be achieved. Coordination will reduce costs, prevent duplication and misdirected idealism, lessen the friction of rivalry, and increase results. Military forces, because of built-in factors of security, dispersion, and mobility, are often better adapted to distributing aid materials which fall within the province of another agency. Environmental improvement measures may either be directed by central governments, be voluntary organizational efforts on a local basis, or a combination of both. The techniques are substantially the same. Military civic action, however, while taking local voluntary effort into account, must conform to the commander's civil affairs policy. Operations originating from a national plan usually entail specific projects, central funding, authorization to use indicated resources, and joint participation with other governmental agencies. Voluntary activities on the local level, while perhaps encouraged by national governments, are conducted with minimal expenditure of funds and supplies.

d. U.S. Military Participation. Commanders of appropriate unified and specified commands promote and support military civic action programs as a part of civil affairs operations to assist in the social and economic development of selected countries. Civil affairs staff sections and units are qualified either to conduct or plan military civic actions or to provide professional guidance for host country agencies. Other U.S. military units abroad, particularly in an underdeveloped country, are capable of participating in civic action operations. Within the scope of organization, funds, mission, and terms of agreement with host countries, they are able to undertake projects of their own, or they can motivate host country counterparts to develop

civic action programs and assist them in planning projects, procuring essential equipment or supplies, and training participating personnel. Tactical, as well as technical, organizations have an impressive potential in their organic technical personnel, specialists, labor, and equipment operators.

e. Types of Military Civic Action Projects. Military civic action projects are as diversified as the needs of an area require and the authority and capabilities of the military organization will permit. No attempt will be made to cover all the possible facets of assistance, but a representative program may include any or all of the following activities:

(1) Building roads, bridges, airfields, and port facilities.
(2) Training and equipping civil security groups.
(3) Clearing jungle or other underdeveloped land.
(4) Draining swamps and organizing flood control projects.
(5) Developing irrigation programs.
(6) Assisting farmers in soil preparation, crop care, harvesting, and marketing.
(7) Digging wells or developing other sources of water supply.
(8) Constructing buildings.
(9) Distributing seed and breed stock to farmers.
(10) Providing and developing communication facilities.
(11) Introducing public health and sanitation methods.
(12) Furnishing supplementary medical services.
(13) Planning and implementing civil security and defense measures.
(14) Utilizing military resources to provide technical and manual training in skills to meet both civilian and military requirements.
(15) Assisting in resettlement programs.
(16) Providing emergency relief supplies and assistance.
(17) Furnishing teachers, technical advisers, and other educational assistance.
(18) Performing auxiliary police and firefighting functions.
(19) Organizing and supervising youth activities.
(20) Providing civil administrative staffing where it is not otherwise available or assisting civilian functionaries in their activities.
(21) Supplying advice and assistance, where appropriate, to improve and strengthen the fiscal and monetary systems of the country.
(22) Setting up transportation systems, including air and water.
(23) Contributing legal advice and assistance.
(24) Fostering me and village-level industry.

4-6. Unconventional Warfare Support

The civil affairs and unconventional warfare organizations should render mutual support by exchanging information and coordinating activities relating to the civilian population in the area of operations. This is accomplished through normal liaison at appropriate points of contact. Civil affairs elements can support unconventional warfare operations by providing needed relief supplies to guerrillas and other resistance groups uncovered by conventional forces. In turn, unconventional warfare agencies assist civil affairs planning by furnishing information on the economy and governments of areas under hostile domination. U.S. forces, operating in denied areas, may have detailed knowledge of the structure of local governments, the reliability of their personnel and their capabilities to restore stable government after link-up. The conduct of liaison to secure such information, and to coordinate the control of civilians passing from enemy to friendly hands, is important to the security of forward areas and should be included in the overall civil affairs plan.

4-7. Mobile Tactical Operations

a. Mass irrationality of civilians in the battle area during fluid situations may impose a serious threat to the success of military operations. Under such circumstances, the handling of civilians must be effectively managed so as to meet the needs of the military commander and, at the same time, avoid the perpetration of acts which might violate the humanitarian principles to which the United States has subscribed.

b. The rules and principles of international law, particularly those embodied in such law-making treaties as the Annex to Hague Convention No. IV of 1907, and the 1949 Geneva Civilian Convention, reflect fundamental concepts of justice and humanity and affix firm responsibilities on armed forces and their members with regard to helpless civilians and civilian resources that fall into their power. These rules and principles forbid any kind or degree of violence not actually necessary for military purposes. Hostilities must be conducted with due regard for the principles of humanity and chivalry (FM 27-10). The prohibitive effect of the law of war is not minimized by "military necessity" which has been defined as that principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible. Military necessity has been generally rejected as a defense for acts forbidden by the customary and conventional laws of war inasmuch as the latter have been developed and framed with due consideration for the concept of military necessity.

c. Of primary import to the successful accomplishment of day-to-day missions is the support potential in civilian resources. This may include laborers and technicians, hospital facilities, buildings, transportation and communication equipment, machinery, and various supplies which can be found in civilian economies.

d. Civil affairs units providing command support develop emergency civilian administrative organizations where required, impose essential controls, and channel refugees to reduce interference with combat and supply elements. Relief measures are taken to alleviate distress and associated unrest; health and sanitation operations prevent the inception or spread of disease harmful to troops in the area; civilian personal and cultural property rights are assured, and, within limitations imposed by international law, labor and other civilian resources are procured and administered. When command support units encounter problems beyond their capabilities to handle, because of inadequate strength or technical deficiency, they request the attachment of area support units or personnel as required.

e. Civil affairs units, providing area support, normally are assigned to designated geographical or political subdivisions or to specialized task missions for operations. They move into areas of assignment as soon as practicable after zones have been uncovered. Frequently they are attached to command support units to assist in emergency operations and to insure a smoother transition of controls. Area support units usually are retained under central control or are brought under central control as rapidly as practical.

f. In rear areas, civil affairs operations increase in scope and complexity. Refugees, displaced persons, and evacuees are funneled back from combat areas and must be sheltered, fed, and controlled. Civilian administration is reconstituted; services are reestablished; processes of commodity procurement, processing, and distribution are resumed or organized; measures are taken to insure public health, order, and security; schools are reopened. All other aspects of the civilian economy, political processes, and social structure come within the purview of civil affairs units. Programs are instituted to support other military operations, to prevent disaffection, to relieve distress, and, in keeping with policy, to initiate rehabilitative measures. Disease, hardship, idleness, and inequities of an economic, political, or social nature, breed the resentment and encourage the lawlessness which leads to insurgency. Guerrilla operations require civilian support. That support may be denied by identifying the military force, indigenous or United States, with satisfaction of civilian needs and the imposition of necessary controls. Civil affairs

activities, thus, are essential to rear area security through their contributions toward political and economic stability.

g. The rapidly moving character of modern warfare and the development of weapons of extended range and vast destructiveness magnify problems associated with the dislocations and distress of civilian populations. Military forces place greater emphasis on dispersion. It follows that this very dispersion will complicate either immobilization of civilians or their, evacuation from battle areas, because areas of greater size and civilians in greater numbers will be involved. To avoid nuclear fallout and zones biologically or chemically contaminated, to evacuate casualties, and to maintain their flow of supplies, military forces require increased mobility. The same hazards with which troops are confronted impose similar threats to adjacent civilians. The range of modern weapons, the depth of combat zones, and the vastly greater number of civilians who may be involved in operational areas during future conflict significantly increase difficulties in setting up traffic plans which will eliminate or reduce conflict between military and civilian movement.

4-8. Static Situations

a. After active hostilities have ceased, or in deep rear areas while combat still is in progress, emphasis upon civil affairs operations to implement long range plans increasingly influences or replaces measures intended to satisfy short range needs. Plans for reformation or restoration of the institutions of the occupied country can now be put into full effect. A policy of greater liberality toward the inhabitants may be possible. Consistent with established occupation policy, a sound local administration is developed and confirmed in the exercise of responsibility, always subject to the paramount authority of the occupant. An informed populace is fostered through news media, public discussion, and the formation of acceptable political parties. As rapidly as is practicable, and where appropriate, elections are held. Measures are directed toward the eventual transfer of authority to civil agencies.

b. Hostilities often are terminated by the conclusion of an armistice. When an occupation is to follow the conclusion of an armistice, the agreement will contain provisions as to the powers of the occupant, and the obligations of the submitting government. It is important that these provisions be selected with foresight and drafted with skill and the consideration be given to economic and political matters as well as to those which are of a strictly military nature. Inadequate coverage of essential details may result in delays and confusion in carrying out occupation policies. Ambiguity may be exploited to negate U.S. programs. Incompleteness or soft terms may defeat U.S. objectives. Needless severity may produce a reaction against the government that dictated the terms of the armistice.

c. Among the factors which influence the character of civil affairs operations after hostilities have ceased are—

(1) The kind and degree of submission of the hostile state.

(2) The possibility of resumption of the conflict in areas not subject to U.S. or allied control.

(3) The potential of the defeated state to regain its place in the family of nations. For example, the hostile power may have capitulated unconditionally; portions of the enemy territory may still be unoccupied; or the hostile government and its remaining forces may have withdrawn into exile and may plan to carry on the conflict elsewhere. The rights and obligations of an occupant with respect to the administration of former enemy territory are clearly defined by law. The occupant may, consistent with law—

(a) Rebuild the structure of government and staff the revised structure with new personnel.

(b) Retain the existing structure, but replace incumbent personnel with more acceptable individuals.

(c) Accept provisionally the structure and personnel as constituted pend-

ing further study or new policy discussions. Under the 1949 Geneva Civilian Convention, persons protected by that convention may not be deprived of any of its benefits, by reason of changes introduced by the occupant in the governmental institutions of the occupied country, by agreements between the occupant and the local authorities, or by any partial or total annexation of the territory by the occupant (art. 47 G.C.).

d. There are various shadings of differentiation possible within these broad areas. The choice to be followed ultimately will be based on policy decisions at the highest level, and may involve an international policy-making group. Whichever program is followed, the plan can be implemented either from the central echelon of government downward, or can be built up from village, country, and city levels toward the central government. Again, this will involve a policy decision. Where occupation of a country is a gradual procedure in the immediate wake of a retreating enemy, circumstances dictate governmental reconstitution initially in lower subdivisions. Where capitulation is complete and has been accomplished prior to physical occupation, as where, for example, the threat of attack by long range weapons has prompted the hostile government to yield, reorganization or reconstitution may be approached from the top down or by building up from the bottom, depending upon the degree of cooperation of the existing government and other pertinent factors affecting occupation policies. Factors for consideration include: the character of previous government, the extent of war devastation, the complexity of reorganization, the availability of local leaders and civil servants, the armistice conditions, the extent of reparations, the desires of allied governments, the plans concerned with territorial or political subdivision, and numerous other factors of varying degrees of influence. Regardless of the program adopted, civil affairs officers should be trained to avoid unwarranted actions which might prejudice policy implementation. At the same time, they must be aware that the manner in which they carry out established policies has a bearing on subsequent courses of action.

e. Replacing the defeated government and building a new structure should be adopted only as a last resort. This course may be necessary if the old regime has completely collapsed, if it continues hostile, or if it poses a threat to peace. Such extreme treatment will necessitate a protracted occupation and extensive involvement by the occupying power. The obstacles to success are obvious and grave. Where fundamental reconstruction is contemplated, occupation personnel require special preparation.

f. The government that has submitted may be accepted tentatively as a basis for further development under the control of the occupying power. Individuals whose past records give no promise of useful service should be excluded from office. A program may be inaugurated looking toward the strengthening of the administration, the reform of political institutions, and the development of responsible self-government. It does not follow from the fact that the occupant provisionally has accepted the defeated government or even from the further fact that the government may have become a cobelligerent that the occupant is bound to render continued and unqualified sanction. Temporary acceptance does not necessarily imply that, in working toward ultimate objectives, the government already in being has been found to be the most convenient base from which to start.

g. Different individuals may be installed in the office provided by the existing governmental framework. Such individuals may be recruited by the occupying forces from the ranks of an underground movement or a committee of national liberation, or they may be prominent citizens never before involved in political affairs. The installation of new officials should be undertaken only when certainty exists that the new group will command the support of

the country and be most likely to establish permanently satisfactory conditions.

h. Multi-national occupation presents special problems.

(1) If U.S. forces, which are operating in conjunction with troops of other countries, occupy enemy territory, the government of the area concerned may become a multi-national responsibility. In a multi-national command, civil affairs planning and supervision may be carried out through a combined staff. Directives covering broad aims and policies for the initiation or conduct of civil affairs operations by a combined or allied command are promulgated preferably by a higher international policy-forming body. If such an organization is not in existence, or if international representation is not to be supplied at the headquarters of a combined or allied command, an advisory or consultative body may be established by the supreme commander fur the purpose of furnishing policy guidance and effecting coordination with the governments concerned. The composition of this body may include more than representatives of allied nations responsible for the conduct of military aerations.

(2) The division of occupied territory into zones to be administered by separate countries should be avoided. Experience has proven that a satisfactory solution cannot be reached by the establishment of an interallied control commission or similar organization to deal with matters common to the entirety of such zones and that latent and subsequent political differences among wartime allies can totally undermine the working of such a body. Even with agreement on policy, disparity in application is inevitable in zonal administrations. The resulting lack of uniformity will be severely damaging to the success of the occupation. Zonal boundaries tend to harden into international boundaries; easement problems arise; and establishment of zones may eventually lead to the dismemberment of an occupied country. Occupied areas, thus partitioned, eventually may become international sore spots. Agreement on the creation of a unified local government and/or integrated allied administration before occupation is the preferred solution.

i. An occupation must meet minimum criteria.

(1) Territory is considered occupied by the United States when U.S. forces have taken firm possession of such territory for the purpose of holding it. Length of tenure is not pertinent. The number of troops necessary to maintain the authority of the occupant depends on population factors, degree of population acceptance of the occupant, nature of the terrain, and similar considerations. It is not necessary that troops be physically present in all sections of the occupied territory. It is sufficient that the occupying forces can send detachments of troops to make the occupant's authority felt within the district. However, a mere proclamation that certain areas are occupied (a so-called "paper occupation") is without legal force and effect, and is not sufficient to establish authority.

(2) As indicated above, limited occupation forces may suffice to establish authority over an area. Similarly, the occupant may need to exercise only a minimum of civil affairs functions. If the local government is effective, and not hostile to the occupant, it is important that the civil affairs organization adapt itself to the situation and that it should not undertake all of the measures of control and super-

vision which may be necessary in less stable areas.

4-9. Civil Defense and Disaster Relief

a. General war, involving massive nuclear attack and counterattack, may very well be resolved by the capacity of the civil base that supports the defense establishment to recover from the holocaust and maintain an effective political-economic organization. Military reaction capabilities and subsequent prospects for operational successes will be directly affected by civilian resilience. Dislocations and casualties will disrupt plans of national mobilization, and military civil defense support measures may command a priority second to none. Armed forces units, particularly those elements of the active and reserve establishment located near target areas, may be able to provide the initial moral cohesion and leadership necessary to avert blind panic, indecision, and the collapse of civilian organization. The extent of their success will be proportionate to the efficacy of prior planning and training and the closeness of military-civil coordination. At the same time, well-publicized military emphasis upon massive defense measures, including shelter and emergency stockpiles, will stimulate related civilian activities.

b. Most major military units and installations, with their disciplined manpower, technical skills, mobility, communications, warehoused supplies, and pools of equipment which could be useful in security and rehabilitation operations, are well adapted to participate in emergency relief and control operations. Civil affairs units, in particular, possess all the planning, operational, and advisory requirements for civil defense. The functional structure of civil affairs organizations and the experience, training, and orientation of their personnel provide a capability for emergency administration and control where civilian political-economic structures have been incapacitated either in foreign theaters of operations or domestic territory.

c. In disaster relief operations, at home or in oversea areas, the same cellular composition of civil affairs units permits ready tailoring of an emergency task unit possessing the skills necessary for administration of relief, institution of programs for rehabilitation, and provision of control measures appropriate to the situation.

4-10. Joint Operations

Centralized direction of joint civil affairs operations is required at the highest level. Normally, the exercise of civil affairs authority is delegated to the senior land force commander. Careful coordination is required to fix responsibilities for logistic support, channels for civilian supplies, administrative aspects of attaching Army civil affairs units to a force of another service, and to insure integration of the efforts of all services. Civil affairs units are normally Army organizations except for Navy and Marine Corps civil affairs units, when available to support the operations of forces, activities, and facilities of the Navy and Marine Corps. This does not preclude the assignment of functional experts from one of the military services to civil affairs units of another service or the assignment of Army civil affairs units to other service components to assist in the conduct of operations.

4-11. Combined Operations

a. When U.S. forces operate with allied troops, the responsibility for conduct of civil affairs operations may be assigned to a combined command. Concurrences have been reached with the United Kingdom, Canada, and other NATO powers in standardization agreements on such matters as civil affairs organization, training, and basic principles of operation. However, decisions reached at combined headquarters possess a potential for disagreement, when translated into action at operating levels, which may negate an entire program. Allied governments and their military units are joined in common cause with respect to mutual security and the military defeat of hostile forces; they are signatories to international agreements covering treatment of civilians and civil properties; but the ramifications of civil

affairs operations cut across every aspect of political, economic, and social structures. Differences in organization, attitude, scope and long range objectives are inescapable. These divergencies will be particularly pertinent where the civilian political-economic system has been almost completely destroyed and requires reconstitution. Such matters as the structure of the government, the effect of the franchise qualification on the elective process, funding problems, the effectiveness of the local legal system, available media of exchange, allocation of production priorities, emphasis on rehabilitation, and legal and policy considerations affecting compensation for claims are indications of the size of the problem areas confronting commanders.

b. A subordinate United States civil affairs unit responsive to a senior combined command headquarters carries out operational instructions formulated at the allied command level and transmitted through normal command channels. Each U.S. commander within the chain has a responsibility to bring to the attention of his next senior national commander any policies or procedures in the field of civil affairs operations contrary to law or prejudicial to U.S. national interests or objectives, and to request specific guidance as to immediate courses of action. Staff sections in combined headquarters should include representation from each participating nation. The overall command structure of a combined force may involve the attachment of U.S. civil affairs units to a major allied command or the assignment of U.S. civil affairs units to a major combined organization under the command of an allied commander or the attachment of an allied civil affairs unit to a U.S. command. The integration plan should not extend to the command of a civil affairs unit of one nation by officers of another. Separate areas of national responsibility should be avoided.

4-12. Intelligence

a. The intelligence requirement for civil affairs plans and operations is as complex as it is for other operational elements of the Armed Forces. Accurate, complete, and timely intelligence oriented toward the civil affairs functions is an essential prerequisite to workable plans. Environmental factors and political trends will influence courses of action and determine measures necessary to influence or control populations.

b. The basic needs of the civil affairs organization must be identified and met before moving into an area. Plans must be made for the continual fulfillment of civil affairs requirements as planning and operations progress. During the planning phases, the civil affairs organization receives its intelligence support from the headquarters to which it is attached. Requirements will normally be for finished intelligence studies and estimates. Civil affairs planners may find it necessary to prepare the intelligence annex to civil affairs plans from finished basic intelligence publications which have not been written primarily for civil affairs use. The basic intelligence document for any civil affairs operations is the area study. Area studies, as exhaustive as time and source material permit, should be prepared on each country in which actions are contemplated or are even remotely possible. These studies should be continually reviewed and revised prior to commitment, after operations have started, they should constitute a line of departure for the collection of more comprehensive on-the-ground information.

c. Once civil affairs operations have begun the close coordination of civil affairs units with civilian governmental agencies, their association with civilian populations, their handling of refugees and displaced persons, and their access to civilian equipment, installations, and documentary matter put them in a position to provide invaluable assistance to the overall collection plan of their major command as well as in meeting many of their own requirements. The necessary relationships between civil affairs units and civilian populations and agencies put civil affairs organizations in an especially favorable position to identify dissidents and to assist in counterintelligence operations. Conversely, the same proximity with civilians

makes civil affairs units more vulnerable to espionage activities and imposes a requirement for stringent security controls.

4-13 Logistics

a. Civil affairs operations may involve the following logistical functions:

(1) Arrangements for support for military forces from civilian resources.

(2) Arrangements for support for civilians and civilian agencies from military stocks and organizations.

(3) Supervision or control of self-supporting civilian operations. Civil affairs logistical activities should not be confused with internal support requirements, since civil affairs units receive organizational support through normal channels in the same manner as other military units.

b. Basic policies and procedures for civilian supply operations are established in theater or higher level plans prior to active commitment. These plans will include estimates of initial requirements and availability of resources. After commitment, it is the responsibility of the U.S. Force and tactical commanders delegated civil affairs authority to provide information and recommendations upon which higher authority can determine changes in requirements for support of the civilian population and an assessment of civilian resources which may be used in support of military operations. The force commander is responsible for, a continuing estimate of civilian supply requirements, allocations, and priorities within his area of responsibility and the development of plans and programs for distribution, control, and coordination of requisitions from subordinate units. Maintenance of necessary records and accounts, to reflect the current status of civilian supply operations, is a concurrent obligation.

c. Planning the extent of civilian relief and economic aid from the United States, the manner in which assistance is furnished, and the permissible degree of use of local resources, properties, and services in support of military operations should be accomplished on higher command levels. Implementation will be based on capabilities, reciprocal requirements, national policy and international law. Recommendations on program changes should be made as they appear warranted on the basis of continuing studies. Maximum permissible use is made of the material resources, facilities, and services of the area for the purpose of supporting the conduct of military operations.

d. In procuring local items, consideration is given to the effects of such procurement on the population and economy of the area. Unless otherwise directed, it will be assumed that no economic rehabilitation will be undertaken except that which can be accomplished from resources available within the command. Provision of relief supplies will be limited to minimum essentials to prevent disease, starvation, or such unrest as might interfere with military operations. Specific policies as to the kind and extent of support which U.S. Armed Forces will be required to provide will be determined for each country concerned. Planning which leads to policy decisions should consider every contingency such as mass movements of refugees into the theater of operations from countries outside it.

e. Military supply of items required for the relief of civilian distress or the rehabilitation of the economy of a country in which the U.S. Armed Forces are present is primarily a concern of the logistical staff. Distribution to civilian users is normally a function of civil affairs units. Supplies for relief of distress within the area of combat operations normally will be given a logistical priority second only to military supplies essential for combat. The determination of requirements for such supplies is a responsibility of civil affairs staff sections and units.

f. Full utilization of the local economy, consistent with international law, is essential to support military, economic, and political objectives of the United States. Local property, facilities, labor, material, and goods should be

procured through the highest possible level of central or local government and in one or more of the following ways contribute toward U.S. objectives by:

(1) Providing an alternate supply source to fill known military requirements.
(2) Augmenting other supply sources as required.
(3) Decreasing the industrial burden on the United States for the conduct of military operations.
(4) Conserving critical domestic materials of the United States.
(5) Decreasing production manpower requirements of the United States.
(6) Reducing procurement lead time.
(7) Reducing supply distribution time.
(8) Conserving shipping space.
(9) Promoting economic and industrial self-sufficiency for the country furnishing the local resources.

g. Property and local facilities which are used after acquisition through prescribed procedures may include land, buildings, rights-of-way, piers, docks, bridges, railways, utilities, and communication systems, together with those fixtures and appurtenances required for their operation, such as machinery, equipment, and tools. To forestall civilian hostility, and permit effective civilian and military use of local resources, it is essential that elements of the military force avoid illegal destruction of property and exploitation of the inhabitants.

h. Maximum permissible use consistent with international law is made of local sources of labor in support of military operations. Command policies, based upon applicable requirements of law and United States policies with respect to local economic considerations, are promulgated on such matters as the procurement and distribution of labor, uniform wage scales, and conditions of employment.

i. Within the area of operations, the aggregate of supply requirements is reviewed to determine those supplies which should be obtained through local procurement. Procurement is accomplished by purchase, requisition, contribution, or confiscation. Directives of the commander, based on applicable legal limitations, furnish guidance to subordinate commanders on available methods of procurement. Except in situations of grave emergency to the command, local procurement which will result in subsequent importation of similar items for civilian use will not be permitted. Supplies for civilian relief or economic aid may be procured as appropriate from military stocks, purchases within the United States, offshore procurement, procurement from local resources, captured enemy stocks, and the contribution of voluntary agencies such as the Red Cross.

j. Comprehensive estimates of minimum requirements for civilian supplies such as food, clothing, fuel, shelter, and medical supplies (including types, quantities, and scheduled delivery dates) should be made prior to the initiation of operations. Such estimates of requirements are preferably made to provide for operations during the first six months of combat. The determination of civilian supply requirements prior to operations serves as a basis for official automatic supply. Subsequent estimates of supply requirements made after operations have been initiated are based on prescribed requisitioning periods.

k. Military operations may be initiated by an enemy so unexpectedly as to preclude a detailed estimate of requirements, review, approval, and programing through normal channels within practical time limitations. The force commander must be prepared to cope with minimum initial civilian relief requirements through the diversion of food, clothing, and medical supplies from military stocks, supplemented by authorized offshore procurement within the vicinity of the area of need.

l. Maximum efforts are made to exploit those captured enemy supplies which are suitable for civilian use. The military use of captured en-

emy supplies tends to be unsatisfactory due to their dissimilar quality, packaging, and marking and to difficulties which may be encountered in repair and maintenance. The allocation of captured supplies to civilian use, in the area of their location, reduces requirements for civilian supplies and the transportation necessary to move such supplies.

m. Civilian supply planning must be carefully integrated with military logistical planning so that required shipping. space within desired delivery times may be assured.

CHAPTER 5

PLANS

5-1 Policy

Civil affairs plans must be purposeful, broad enough to allow flexibility in implementation, and must possess sufficient detail to forestall misinterpretation and increase prospects for a successful mission.

a. The assignment of planning responsibilities for civil affairs matters is set forth in JCS Pubs 2 and 3.

b. Guidance for civil affairs planning is provided in appropriate JCS, unified command, and military service plans.

c. Civil affairs plans are based upon national policy and they reflect a variety of legal influence such as: the provisions of the U.S. Constitution, statutes enacted by Congress, judicial decisions, orders of the President, departmental regulations, the rules and principles of international law including those incorporated in lawmaking treaties, other international agreements, and the provisions of the law of the place where the U.S. Armed Force is located.

d. The nature of civil affairs operations, covering sociological, economic, and political factors of each area of operations, requires comprehensive research and breadth of information upon which to base plans.

e. Plans concerned with military operations should delineate responsibility and insure that authority is not fragmented between military and civilian agencies. During active hostilities. the military commander normally assumes greater responsibility for civil affairs activities. In periods of peace or limited conflict when civilian agencies may be present, areas of responsibility should be clearly defined and coordinating procedures should be emphasized.

f. A civil affairs annex is an integral part of the plan for each military operation, and directives and advisory matter issued at all levels of command will include guidance for the conduct of military civil relationships.

5-2. Estimates of the Situation

Plans are based on command decisions and generate succeeding decisions at lower levels of command. In each instance, decisions reached by commanders are based on their estimates of the situation. In the case of civil affairs estimates, those political, economic, and sociological factors which could affect operations are weighed in the light of probable circumstances, actions, and directed missions. The amount of detail varies with command levels and, except at the higher echelons, seldom involves a complex and completely recorded document.

5-3. Joint Plans

Although one service may be designated primary action agency for the civil affairs aspects of a specific military operation on the basis of locale, capabilities, and nature of the assignment, planning is based on the principle that effective use of military power requires the efforts of the separate services to be closely integrated. Each of the services possesses a limited capacity of self-contained operations, but allotment of equipment and skills, location of facilities, and emphasis on specified operational techniques lend efficacy to unified effort. To this end, unified or specified com-

mands are established for the accomplishment of assigned missions.

5-4. Combined Plans

a. Areas of common agreement have been reached on civil affairs organization and concepts of operation with North Atlantic Treaty Organization Allies in Standardization Agreements (STANAG). These agreements (FM 41-10) endorse the principle of combined organizations and chart general civil affairs policy guidelines. Combined operations require mutual understanding, compromise, and close coordination. When the scene of operations or potential operations involves the homeland of one of the participating powers it is apparent that consideration must be given to the political influence, history, and tradition and that, often, emotion may outweigh more practical factors at conference tables.

b. The military organizations of the United States and certain of its allies have achieved substantial understanding through standardization of certain equipment, cross-training, and combined exercises. Military organizations, however, are a product of the environment of their origin, and combined operations possess potentialities for friction. Differences in political systems, sociological heritage, and national goals need to be reconciled. Economic rivalries should be subordinated to the objectives of long-range plans, but national economic blocs, pressure groups, and revenue considerations often influence emphasis upon more immediate self-interest.

5-5. Contingency Plans

Contingency plans differ from other plans only in that they cover anticipated areas and conditions of operation. With limited basic assumptions, plans are rendered in sufficient detail to improve prospects of prompt reaction with minimum waste of time and maximum prospects for success. These plans may be joint, combined, or uniservice. Civil affairs annexes in contingency plans, as a minimum, should give consideration to—

a. Liaison requirements with U.S. diplomatic agencies, local governmental officials, functionaries of other foreign governments, other civilian organization representatives, and international public and private groups. (This includes possible need to assume responsibility for continuing or closing out their functions if circumstances require their evacuation.)

b. Liaison with other military organizations.

c. Terms of civil affairs, status of forces or other agreements.

d. Emergency civilian control measures.

e. Initial and intermediate range civilian requirements in food and medical supplies.

f. Probable amounts and categories of local or refugee civilian labor and local facilities and supplies available for military use. (Logistics, administration, and personnel annexes should contain cross references to this section of the civil affairs annex as appropriate.)

g. Probable military requirements for labor, facilities, and supplies including cross references to appropriate logistics, administration, and personnel annexes.

h. Identification of, and relationship with, friendly and unfriendly personalities and groups.

i. Customs of the area to forestall the creation of unnecessary offense and to lay a foundation of mutual respect and good will.

j. Disposition of area support units and location of civil affairs command headquarters where applicable.

k. Emergency passive defense measures for the civilian population.

5-6. Preparation of Plans

a. The civil affairs staff section of a command coordinates with other staff sections in the preparation of plans and to insure support for, and from, civil affairs activities in command operations. Civil affairs annexes covering relationships with civilian populations (FM

41-10) should be included in all plans in the following categories:

(1) Invasion or intercession.
(2) Withdrawal.
(3) Occupation.
(4) Area damage control.
(5) Rear area security.
(6) Civil defense.
(7) Psychological warfare.
(8) Unconventional warfare operations.
(9) Traffic and circulation.
(10) Base development.
(11) Intelligence collection.
(12) Contingency.

b. The civil affairs plan of the senior U.S. commander provides general direction for all personnel of the command in relationships with local authorities and population, together with the extent of civil affairs functions to be exercised. The senior commander provides for delegation of such functions as may be appropriate to subordinate commanders.

c. Planning factors which are common to all units and which influence the general concept of the plan include—

(1) The mission.
(2) Governmental policy.
(3) Logistic capabilities.
(4) Manner in which civil affairs operations will best contribute to the overall mission of the command.
(5) Coordination of civil affairs activities with tactical operations.
(6) Requirements in civil affairs operations for troop unit and combat service support and capabilities within the command for provision of that support.
(7) The organization and degree of effectiveness of government, the nature and condition of the economy, social and cultural institutions, geography of the area, and attitude of the people.

d. Some conditions in a country affect all troops and all functions of civil affairs, while others affect only specific functions. Those affecting all units and all functions, and which must be considered in planning are—

(1) Basic aspects of political authority and economic organization prevalent in the country.
(2) Customs of the community or communities, social organization and institutions, culture and its forms of expression.
(3) Folkways to include forms of social relationship and leadership among inhabitants, national and local traditions, occupational patterns, national and religious observances, sacred or forbidden places, and similar sensitive considerations.
(4) Attitudes toward the presence of occupying, liberating, or guest military forces. This attitude is strongly affected by troop behavior.
(5) Effects of combat on the population.
(6) Endemic diseases and geographic, climatic, and social factors that may affect the health of the command.

e. Commanders, through their staffs and civil affairs units, will provide such planning for specialist functions as anticipated and verified situations require. Directives developed as a result of such planning will be appropriate to the needs of the local situation and may deviate from instructions of higher authority only when emergency situations require immediate action. When projected operations will extend into the territory of two or more states, variations in objectives and policies with respect to each nation necessitate parallel differentiation in plans. All planning should emphasize simplicity and flexibility so that unforeseen contingencies can be met with minimum disruption to organizations and attainment of objectives.

CHAPTER 6

DIRECTIVES AND AGREEMENTS

6-1. General

a. Directives issued by military authority are intended to have the force of law over the entire population of the area for which the military commander is responsible. Law in this sense means all rulings of the law-making authority which are enforced by that authority. Effective authority can be exercised only over such matters as are clearly recognized by the population as being the legitimate concern of the commander. Assertion of authority outside of these matters may bring about resistance by the population, and the maintenance of such asserted authority will require military energy which should be devoted to the primary mission.

b. Proclamations, ordinances, orders, and instructions will be issued as required. The necessity for these publications will be limited in most instances to those situations affecting the welfare of the command. The discussion throughout the remainder of this chapter is most applicable to civil affairs operations in occupied enemy areas, since agreements where troops are located in friendly areas possess variations and complexities in such detail as to preclude extensive consideration.

c. The following provisions of treaties and regulations are applicable to civil affairs operations in occupied areas:

(1) Geneva Civilian Convention of 1949—Art 64:

Local Law and New Legislation

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occuping Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for insuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offenses covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfill its obligation under the present Convention, to maintain the orderly government of the territory, and to insure the security of the Occupying Power, of the members and the property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

(2) Geneva Civilian Convention of 1949—Art 65:

The penal provisions enacted by the occupying power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

(3) Annex, Hague Convention No. IV of 1907—Art 43:

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

(4) Geneva Prisoners of War Convention—Art 82:

A prisoner of war shall be subject to the laws, regulations, and orders in force in the armed forces of Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offense committed by a prisoner of war against such laws, regulations and orders. However, no proceedings or punish-

ments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

(5) See also pertinent provisions of FM 27–10 and Section 3 of the Annex to Hague Convention No. IV of 1907.

d. In keeping with the spirit of the above-quoted articles of the 1949 Geneva Civilian Convention and even in occupations not governed by their express provisions, all proclamations, ordinances, orders, and instructions binding upon the inhabitants of the occupied area will be published in written form. The enactment in question will be given the same degree of publicity as is given equivalent pronouncements under the local law. Publication in an official gazette will usually satisfy formal requirements, although to insure effective publicity, it may be necessary to post the enactment in question in public places throughout the area. Newspapers, radio, television, and other available media may be used for broader dissemination. For examples of proclamations, ordinances and other enactments, see appendix B and FM 41-10.

e. All documents will be published in the official local language and in English. The local language version of the text is the one that charges the inhabitants with notice of any penal provisions. In countries that have more than one official language, the local practice will be followed and penal provisions will be published in either one or more than one language, according to whether the country's legislation was published in one or more than one language before the occupation. It may often prove difficult to reach a clear and idiomatic translation. The matter is important, however, and great pains should be taken to provide such a translation. The inhabitants cannot be expected to comply unless they understand, and it is the translation, not the original English, that informs them.

6-2. Proclamation

Proclamations are public announcements made by the individual exercising chief executive authority for all people within an area. They set forth the basis for authority and the scope of commanders' activities and define the obligations, liabilities, rights, and duties of the population affected.

a. Proclamations are directives promulgated by the occupant or liberator and addressed to the government and population of a territory. They set forth in general terms the policy of the occupant or liberator with respect to the government and population of the territory. Normally they are issued sparingly and are reserved for matters of considerable consequence. Proclamations are lawmaking instruments and are issued in the name of, and as directed by, the theater of operations or senior U.S. commander.

b. Proclamations should be prepared in advance and drafted with care so that they may serve as the basis for the conduct of the civil affairs operations.

c. The text of proclamations informs a hostile population of the fact and objectives of the occupation. In this respect, they differ from similar documents directed toward the population of a liberated area which may temporarily be administered by the commander's civil affairs organization. Factors influencing the text of proclamations include—

(1) Military-political objectives to be attained.

(2) The degree of precariousness of the occupation.

(3) Requirements to be placed on governmental agencies and civil population.

(4) Traditions, customs, and desires of the local population.

(5) Treaties, agreements, or the rules of customary international law affecting the occupation.

d. All initial proclamations should receive Department of Defense approval before publication.

e. It is impracticable to outline the contents of proclamations for all types of occupations. The first proclamation should generally cover the following points:

(1) *Declaration of occupation.* This is formal notice of the fact of occupation and the extent of the area over which the Armed Forces assume jurisdiction.

(2) *A statement of the purpose and policy.* Political objectives should be included only pursuant to instructions from higher authority.

(3) *A declaration of the supremacy of the military commander.* This is an essential prerequisite to any occupational administration. It should announce that a military governor has been appointed and that political ties with, and obligations to, the enemy government, if any, are suspended. It should announce that inhabitants will be required to obey orders of the area commander and his subordinates and to abstain from all acts or words of hostility or disrespect to the occupying forces.

(4) *Retention of laws and officials.* It should be announced that, unless the occupant or liberator directs otherwise, local laws and customs will continue in force, local officials will continue in office, and personnel of all essential public and private services will-carry on with their regular tasks.

(5) *Treatment of inhabitants.* Assurance should be given that persons who obey the instructions of the occupant or liberator have nothing to fear. They will be duly protected in their persons, property, family rights, religion, and employment. Warning should be given that those who commit offenses will be punished.

(6) *Resumption of usual employment.* Inhabitants should be instructed that they must continue or resume their usual employment, unless specifically directed to the contrary. They will assist in the maintenance of law and order and restoration of normal economic conditions.

(7) *Detailed rules of conduct.* It is advisable to put the population on notice that further proclamations or ordinances will specify in detail what is required of the inhabitants.

(8) *Miscellaneous.* Other matters the area of operations commander may desire to include.

(9) *Place, date, and signature.* Place and date document is signed, signature, and military title of the issuing authority.

f. In the event of civil affairs operations in a liberated territory, *e* (1) through (9) above, should be appropriately modified.

g. Subsequent proclamations, numbered in sequence, may be issued whenever the need arises. The occasion for a proclamation would ordinarily be some development of considerable importance in the conduct of the occupation, such as handing over of new administrative responsibilities to the national government.

6-3. Ordinances

a. An ordinance is a rule or regulation enacted by the supreme lawmaking power of a community. It is normally of local application. Necessary ordinances usually will have been prepared in advance of an operation. Further ordinances made necessary by unforeseen circumstances may be drafted and published. Among other matters, ordinances should deal with offenses against the occupant or liberator, establishment of courts, currency and exchange of regulations, rationing, and price control. It may be desirable to establish an official gazette wherein ordinances and other acts binding upon the inhabitants are published.

b. The format of ordinances should be standardized to the extent that they—

(1) Are numbered in sequence.

(2) Consist of a series of main subdivisions called articles.
(3) Contain definitions of any terms used which are ambiguous or unfamiliar to the persons to whom they are addressed.
(4) Specify the effective date in the final article.
(5) Are signed by the senior officer or by some authorized subordinate.

c. Sample type ordinances which might be employed are shown in appendix B.

6-4. Orders and Instructions

Orders and instructions differ from other legal documents such as proclamations and ordinances. They are local in scope and provide detailed information as to the method of complying with proclamations or ordinances or furnish directions for the civil population and government. They are intended to prevent civilian interference with military operations. Examples of subject matter contained in orders and instructions are hours of curfew, travel restrictions, and limitations in the operations of agencies of government. Authority to issue orders and instructions should be delegated to those subordinate commanders having civil affairs area authority.

6-5. Standardization Agreements

Standardization agreements as used in this manual refer to those agreements between two or more nations in which the signatory powers agree to conform to specified organization, training, and concepts of operations or to perform indicated actions at such times as conditions outlined within the agreement arise. Included are—

a. STANAG's—Standardization agreements prepared by the NATO Military Agency for Standardization. Those in which the United States has concurred are obligatory upon U.S. Armed Forces.

b. SOLOG's—Standardization agreement prepared under the Basic Standardization Agreement between the United States, the United Kingdom, Canada, and Australia. Examples of both can be found in FM 41-10.

c. SEASTAG's—Standardization agreements prepared by the SEATO Military Planning Office. Those in which the United States has concurred are obligatory upon U.S. Armed Forces.

6-6. Other Agreements

Other agreements may be negotiated between two or more parties to cover specified circumstances and relationships. Other less formal understandings may be reached between commanders and local authorities in the interest of harmony and minimum mutual interference. These may be either written or oral; however, the latter should be reduced to writing as soon as circumstance permit.

CHAPTER 7

CONTROL CONSIDERATIONS

7-1. General

a. Human society requires regulation even in primitive tribal groups. Control processes vary greatly in range and degree among social orders and, in a complex, urban civilization, reach into almost every facet of human relationships. Not exempt from the requirement are nations with free representative governments where recognition is accorded the dignity of the individual and inherent rights are enunciated and staunchly defended. Laws are enacted by deliberative bodies on national, regional, and community levels for protection of individuals and security of group benefits. Police agencies and judicial systems are established.

b. Governmental controls, far reaching as they may be, reflect only a fraction of the social, political, and economic restrictions under which men in free societies live. All of the numerous social groups within a nation state possess procedures for regulation. Controls begin in the basic group, the family. They extend into schools, churches, various clubs, occupational associations, and labor organizations. Many of the controls involved in these groups have coercive characteristics concerned with the welfare of livelihood of regulated persons who violate or circumvent prescribed rules. Less tangible, but still falling within the control category, are the tenets of custom and the incentives for status which inhibit or motivate humans in their societal behavior.

c. Regulations, imperative in any community of persons, become even more compelling under the disruptions, dislocations, and priorities associated with counterinsurgent operations and war. Requirements of security, facilities, goods, manpower, funding, and military mobility dictate additional or increased controls over civilian populations. In the United States, except under a condition of martial rule, these extraordinary regulatory measures would be enacted or promulgated by responsible civil authority. In oversea areas, approximate regulation may become the direct responsibility of military commanders if effective or friendly civil administration is not functioning.

d. Means of control may be either coercive or noncoercive. Representative measures are outlined in FM 41–10, but generally noncoercive controls lack characteristics of punitive enforcement. Compliance is secured through such measures as purchase, reward, and psychological pressure. Coercive measures involve punishment or withdrawal of privilege.

e. Although force may be a factor in any exercise of will by military forces over civilians, the compulsion of arms in the hands of tactical military organizations will not alone secure direction and order, much less gain esteem and cooperation. People, remembering the ravages of war, casualties among friends and relatives, and loss of possessions, may be hungry and uncomfortable. They may also have been propagandized concerning alleged wrongdoings of U.S. and allied troops. They will be linked by strong emotional ties to their homeland and cannot be expected to advance the welfare of occupation forces or to promote the success of further operations. The populace initially may be apathetic, but in their ranks will be a hard core of resistance leadership to plot and plead for the continuance of both active and passive opposition. The meas-

ure of their success will be determined to a large extent by the conduct of occupation force activities associated with the management of military-civil relationships.

f. When friendly territory which had been occupied by hostile troops is reoccupied, much the same situation exists. The people will have suffered hardships, partially imposed by liberating forces. Their more capable leaders may have been liquidated or evacuated. They will have been inundated with propaganda, and they will expect greater and more immediate benefits than will civilians in unfriendly countries.

g. From the standpoint of practical implementation, control processes will be most complex during a retrograde movement prompted by sudden hostile attack upon an area where U.S. forces have been stationed on an agreement basis for a considerable length of time. Because of the sensitivities of sovereignty and unfavorable psychological considerations, planning for the imposition of controls essential to orderly withdrawal and tactical integrity likely will have been subordinated. Plans which have been drafted will suffer from the imperfections of incomplete coordination, lack of consideration for ramifications which may be expedient, and inability to tailor and test control procedures and organization. Further complications of planning on control methods will be the normal reluctance to take coercive measures against friendly civilians and the fact that the evacuation of any U.S. dependents in the area may trigger a chain reaction of mass hysteria and flight. These considerations make it imperative that, notwithstanding the enumerated difficulties, all possible contingency planning be accomplished and coordinated with appropriate agencies of the government of the area. Such planning must include as a minimum—

(1) Use of evacuation routes, rest areas, and staging facilities.

(2) Coordination of alternative transportation means to include use of host nation facilities where required.

(3) Evacuation destinations, both ultimate and intermediate.

(4) Psychological operations to be implemented prior to and during such evacuations.

(5) Security measures.

7-2. Control in an Autocratic Society

a. During transitional occupation of an area formerly governed by a hostile power possessing autocratic central authority and a planned economic system, civil affairs administration will require a vast organization. Absolute governments with their monolithic political structure, particularly where property has been largely socialized, require huge bureaucracies for normal regulation. These governmental agencies manage resources, means of production, distribution and exchange systems, and all public facilities. Political organisms receive central direction, and social relationships are stringently regulated. An occupying force moving into an area where this type of society is in existence may be confronted, aside from the usual chaos of war, with a control vacuum. Governmental functionaries, including police, may have fled, become incapacitated during the course of combat, or been removed by rebellious citizens.

b. Prior policy decisions should be made by the U.S. government unilaterally or in coordination with allied powers on planned revisions of political and economic systems and on personnel purging criteria. Normally, the occupation high command, without other contrary guidance, initially will retain as much of the existing framework of civil administration as authorized to avert disruption and disorder and to conduct necessary emergency sanitizing measures. Under any circumstances, the military control structure arriving in the area must have the size, technical proficiency, and authority to administer or modify economic and political systems as required.

7-3. Control in Insurgency

a. Basic to any military counterinsurgency program are the reduction of the causes of in-

surgency through economic and social betterment programs, identification of the armed forces with civilian community interest, and strengthened political fealty toward central regimes. These measures promote popular goodwill and support for government troops necessary to divorce the population at large from dissident organizations. Deprived of assistance from the people in the form of supplies, information, personnel replacements, and the cloak of anonymity, insurgency movements possess no prospect for success (para 4-4).

b. The separation of the people from insurgents, so essential for an effective counterinsurgency operation, may require more stringent measures than programs pointed toward the alleviation of sources of civilian discontent. Aside from purely combat operations against armed irregulars, it may be necessary to impose controls upon the civilian population. The type and extent of controls will differ with the environment, political and economic considerations, agreements in force, and scope of assigned mission. Among control measures which may be adopted are any or all of the following:

(1) Evacuation of designated areas.
(2) Restrictions on circulation.
(3) Imposition of a curfew.
(4) Confiscation or accountability procedures for firearms.
(5) Suspension of designated civil rights.
(6) Registration of individuals.
(7) Issuance of identification cards.
(8) Maintenance of control and accountability over property or supplies capable of conversion to insurgent use.
(9) Mandatory educational (propaganda) meetings and forums.
(10) Censorship of all media of communication including the mails.
(11) Licenses for all forms of transportation.
(12) Requirement to report absentee employees.
(13) Confiscation of property belonging to collaborators.
(14) Relocation of families.
(15) Compulsory service in civil security forces or programs.
(16) Price control and, rationing for critical items.
(17) Establishment of clandestine information reporting net.
(18) Systems of licensing for manufacturing, sales, processing, movement, or transactions.
(19) Taxation.
(20) Inspection programs.
(21) Off-limit areas or zones.
(22) Suspension from office.
(23) Military tribunals.
(24) Development of a barrier plan.

c. Operations of this nature conducted by U.S. forces must be in conformity with U.S. law and the international agreements to which the United States adheres.

7-4. Civil Affairs Tribunals

a. Civil Affairs Tribunals in Occupied Areas.

(1) The maintenance of order in society demands that there be no vacuum in the enforcement of law and the administration of justice. During an occupation the occupant may, under international law, establish civil affairs tribunals. The extent of the jurisdiction of civil affairs tribunals is generally specified in an occupation directive and normally extends to the whole of the occupied territory and to all persons in the occupied territory except persons subject to the Uniform Code of Military Justice, members of the armed forces of states allied with the United States, and persons treated as prisoners of war under the Geneva Prisoners of War Convention of 1949. These courts provide a forum primarily for the adjudication of violations of the occupant's enactments. In exceptional circumstances, when the local courts of the occupied area are unable to function or when such actions become necessary to insure the effective administration of justice, civil affairs tribunals may administer the ordinary criminal and civil law of the occupied

area. The exercise of jurisclictiion over acts or omissions of the inhabitants of the occupied territory should be returned to the local civil and criminal courts of the occupied area as soon as possible.

(2) The ultimate justification for the establishment of a military judical system is necessity. Whether such action is necessary is a factual question to be decided by the commander concerned in light of the requirements of the military situation, policy directives from higher headquarters, the needs of the inhabitants, public attitude, political and legal considerations, the terms of applicable agreements, and other relevant considerations.

(3) In the past, military tribunals in United States practice have been identified by a variety of names, and their jurisdiction, composition, and procedure have undergone an evolution roughly paralleling courts-martial. Technically, these tribunals, whether referred to as civil affairs courts, provost courts, or military government courts, are military commissions. United States statutes and international law recognize military commissions and affirm their jurisdiction. Certain articles of the Uniform Code of Military Justice mention military commissions and affirm the power of the President to prescribe their rules of procedure. The Geneva Civilian Convention of 1949 imposes certain minimum standards with respect to the proceedings of civil affairs tribunals. In other respects the conduct of the proceedings of these tribunals, within the limits authorized by international law, is left to the policy of the occupant. A prisoner of war under the Geneva Prisoners of War Convention of 1949 must be tried by the same type of courts which try the military personnel of the detaining power. Additionally, he is entitled to certain procedural safeguards (Article 105, Geneva Prisoners of War Convention of 1949).

(4) An accused protected by the Geneva Civilian Convention of 1949 is also entitled to certain procedural safeguards. If he has to meet a charge for which the punishment may be death or imprisonment for two years or more, notice concerning the particulars of the case must be given to the Protecting Power, a neutral nation appointed to safeguard the interests of a belligerent under the provisions of the Convention. The trial cannot proceed preliminary to compliance with these formalities. The accused is entitled to qualified counsel.

(5) Civil affairs tribunals must adhere strictly to the provisions of the Geneva Civilian Contention of 1949. It is essential that their proceedings be fair, intelligible to the participants at the trial and the inhabitants of the area in which the court is sitting, and prompt and expeditious in the conduct of judicial business. In the eyes of the inhabitants, the ideals of American justice will be as much on trial in cases before these courts as the accused brought before them. Thus the accused must be assured a fair hearing; must receive adequate notice of the charges in advance of trial; must be given adequate opportunity to prepare his defense; must be enabled to present evidence necessary to his defense and to call witnesses presented by the prosecution and, unless he freely waives such assistance, must be aided by an interpreter. Adequate provision should be made for review or administrative examination of cases by the military government legal staff. The right of appeal should be provided.

(6) In imposing sentence, civil affairs tribunals should be guided by a number of considerations, such as the requirements of the military situation, the

demands of law and order, and the impact of the decision upon the inhabitants. It is important that the penalty not be disproportionate to the offense. The interests of the occupation and humanitarian considerations may best be served by reducing the severity of punishments or awarding jurisdiction to lower courts to avoid having unrealistic numbers of persons in pretrial confinement or being sentenced to confinement where facilities are nonexistent.

(7) For further material on this subject see FM 27-10, DA Pam 27-1, DA Pam 27-10, Uniform Code of Military Justice, and Manual for Courts-Martial, United States, 1951.

b. Civil Affairs Tribunals Within the United States.

(1) Civil affairs tribunals may be required in the restoration of law and order should a domestic disturbance occur which is sufficiently serious for for the President to proclaim martial law. A discussion of the prerequisites for the declaration of martial law is beyond the scope of this manual. It may be observed, however, that the basic authority on which a proclamation of martial law may be issued and effected, and civil affairs tribunals established, is the United States Constitution, especially those provisions which empower Congress to "declare war" and "raise armies" and which require that the President in that capacity, and as Commander in Chief, insure "that the laws be faithfully executed." It is to be noted that civil affairs tribunals in martial law situations have jurisdiction over the domestic civilian population only when civilian courts are in such a state of disorder that they cannot function or will not function. When civilian courts are functioning, even though martial law has been declared, offenders are turned over to civilian authorities for prosecution (AR 500-50 and DA Pam 27-11).

(2) The organization, procedure, and qualifications of the members of the court generally follow those prescribed for courts-martial by the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, 1951. The extent of a domestic civil affairs tribunal's jurisdiction over persons, subject matter, and area varies depending upon the terms of the Presidential order establishing the courts.

APPENDIX A

REFERENCES

Army

AR 1-19	Operational Reports—Lessons Learned (Reports Control Symbol CSFOR-65).
AR 20-1	Inspector General Activities and Procedures.
AR 140-108	Civil Affairs Branch.
AR 140-192	Military Intelligence and Army Security Units Organization, Training, Assignment and Retention Criteria.
AR 920-5	Dictionary of United States Army Terms.
AR 820-60	Authorized Abbreviations and Brevity Codes.
AR 860-25	Civil Affairs Training.
AR 380-5	Safeguarding Defense Information.
AR 880-88	Civil Censorship.
AR 500-60	Civil Disturbances.
AR 600-60	Disaster Relief.
AR 500-70	Civil Defense.
(C)AR 516-1	Army Cold War Activities (U).
AR 616-170	Civil Affairs Specialization.
FM 1-6	Aviation Company.
FM 6-1	Engineer Troop Organizations and Operations.
FM 8-10	Medical Service, Theater of Operations.
FM 9-1	Ordnance Service in the Field
FM 11-20	Signal Operations, Theater of Operations.
FM 19-2	Military Police Support in the Field Army.
FM 19-3	Military Police Support in the Communications Zone.
FM 19-16	Civil Disturbances and Disasters.
FM 19-20	Military Police Investigations.
FM 19-25	Military Police Traffic Control.
FM 19-80	Physical Security.
FM 20-10	Civil Defense.
FM 21-5	Military Training Management.
FM 21-6	Techniques of Military Instruction.
FM 21-60	Military Symbols.
FM 27-10	The Law of Land Warfare.
FM 30-5	Combat Intelligence.
FM 31-15	Operations Against Irregular Forces,
FM 31-21	Special Forces Operations.
FM 31-73	Advisor Handbook for Counterinsurgency.
FM 33-1	Psychological Operations—U.S. Army Doctrine.
FM 41-10	Civil Affairs Operations.

FM 45-20	Civil Censorship.
FM 61-100	The Division.
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APPENDIX B

LAW NUMBER 1

To maintain orderly government in the territory of _____ occupied by United States forces and to promote the security of the United States forces, it is hereby ordered:

ARTICLE 1

Continuation of the laws of _____

All laws of _____ and all implementing regulations and directives thereof shall remain in force with the exception of:

a. _____
b. _____
c. _____
d. _____
e. _____
f. _____
g. _____
h. _____

which are hereby suspended.

ARTICLE 2

General Suspending Clause

Notwithstanding the provisions of Article 1 of this law no law of _____ _____ or implementing regulation or directive thereof, shall be applied in any way within the territory of _____ occupied by United States forces in any instance where such application would :

a. Cause injustice either by favoring or discriminating against any person because of his political beliefs, associations or affiliations, or

b. Be prejudicial to the security of the United States forces or the maintenance of orderly government in the occupied territory, or

c. Be incompatible with international law.

ARTICLE 3

General Interpretation Clause

Judicial decisions, official acts, and legal writings supporting or expounding policies or doctrines reflected in legislation suspended by this law shall not be relied on as legal authority for the interpretation of the law of _____.

ARTICLE 4

Limitations on Actions

In any case in which delay in the institution of any legal proceeding in a _____ court or tribunal has the affect of rendering claims unenforceable or of extinguishing substantive rights, the period during which the bringing of such proceeding is prevented by the suspension of courts or tribunals or the limitations imposed by this law shall be excluded in determining the applicable period of limitation or prescription.

ARTICLE 5

Continued Functioning of Tribunals

All courts and tribunals whether of a judicial, quasi-judicial or administrative nature in the territory of _____ open and functioning at the commencement of the occupation by the United States forces shall remain open and shall continue to administer the laws of _____ not suspended by this law provided that:

a. None of the courts or tribunals of _____ shall deal with any matter within its jurisdiction so long as the judges and officials thereof have failed to comply with the requirements of this law.

b. No court or tribunal created by a provision of the law of ——— _____ suspended by this law shall continue to function.

c. None of the following courts and tribunals shall function:

1. _____
2. _____
3. _____
4. _____

ARTICLE 6

Emergency Suspension of Courts and. Tribunals

a. Notwithstanding the provisions of the preceding Article, until such times as the exigencies of the situation permit, all courts and tribunals (in the cities of _____) (provinces of _____) (Districts of _____)

(here write the names of the political subdivisions in question) and all other courts and tribunals in areas affected by military operations are temporarily suspended.

b. Should the exigencies of the situation require, the functioning of courts and tribunals not specified above may be temporarily suspended.

c. Notice of the suspension of courts or tribunals shall be published in writing in English and in _____ and shall be given the same degree of circulation and publicity prescribed for comparable notices under the law of _____.

ARTICLE 7

Qualification of Judges, Prosecutors, Notaries and Lawyers

No person shall be qualified to act as a judge, prosecutor, notary, lawyer or as a member of any court or tribunal, whether civil, criminal or administrative, until he shall have subscribed to the following oath:

"I swear (or affirm) by Almighty God that I will at all times apply and administer the law without fear or favour and with justice and equity to all persons of whatever creed, race, color or political opinion they may be, that I will obey the laws of _____ and all enactments of the United States Civil Affairs Administration in spirit as well as in letter, and will constantly endeavor to establish equal justice under the law for all persons. So help me God."

Those so inclined by personal beliefs may omit reference to the deity.

ARTICLE 8

Priority in Adjudication

Generally, the courts and tribunals of _____ shall give priority to the following matters in the following order:

a. Criminal cases initiated before the effective date of the law.

b. Criminal cases initiated after the effective date of this law.

c. Civil actions.

d. Administrative proceedings.

ARTICLE 9

Limitations on Jurisdiction

Except when expressly authorized by the United States forces, no agency or tribunal of _____ shall assert or exercise jurisdiction in the following classes of cases:

a. Cases involving the United States forces, the members thereof or any persons serving with, employed by, or accompanying the U. S. Armed Forces.

b. Cases against the United States or against a State allied with the United States.

c. Cases arising under provision of the law of _____ suspended by the United States forces.

d. Cases involving offenses against any law, ordinance, proclamation notice, order, instruction or enactment of the United States forces having for its purpose the security of such forces or involving the construction or validity of any such order or enactment.

e. Any case or class of cases over which jurisdiction has been assumed by the United States forces.

ARTICLE 10

Independence of Local Courts

a. Courts and tribunals of _____ will retain full independence and freedom of action except that the United States forces shall have the right:

(1) To remove from office for cause any judge, prosecutor, or other court official, whether elective or appointive and to disbar any notary or lawyer;

(2) To attend the hearing of any case, whether in public or on camera, and to have full access to all files and records of the court and documents in the cases;

(3) To suspend, commute, pardon, or otherwise modify in the interests of justice, any findings, sentence, order or judgment rendered by any court or tribunal of _____;

(4) To transfer to the jurisdiction of a Military Commission or Provost Court any case or class of cases.

b. No sentence of death shall be carried out without the consent of the United States forces.

c. In all proceedings to which they apply, the provision of the four Geneva Conventions for the Protection of War Victims of 12 August 1949 shall be strictly observed.

ARTICLE 11

Testimony

No person listed in Article 9a of this law shall be required or permitted to testify before any court or tribunal of _____ without the consent of the United States forces.

ARTICLE 12

Ex Post Facto Law

No charges shall be preferred nor sentence imposed or punishment inflicted for any act unless such act is expressly punishable by law in force at the time of the commission of the offense, the time of the trial, and at the time of the imposition of the punishment. No change in the law subsequent to the date of the offense which modifies the criminality of the offense, the ground or means of defense, or the punishement prescribed shall operate to the prejudice of the person accused, convicted or sentenced.

ARTICLE 13

Punishment

Violations of the provisions of this law shall upon conviction be punishable by any lawful punishment, except the death penalty.

ARTICLE 14

Effective Date

This law shall become effective on the date of its publication in the English and in the _____ languages in the territory of _____ occupied by United States forces.

ORDINANCE NUMBER 1

Offenses Against the Security of the United States Forces

To provide for the security of the United States forces in the occupied territory of _____, it is ordered:

ARTICLE 1

Any person who:

(1) Is found lurking as a spy or acting as a spy or who commits any other act of espionage;

(2) Commits an intentional offense prejudicial to the security of the United States forces which causes the death of one or more persons; or

(3) Commits a serious act of sabotage against the military installations of the United States forces; shall suffer death or such other punishment as the military commission shall direct, except that persons who were under 18 years of age at the time of the offense shall not be liable to the death penalty.

ARTICLE 2

Any persons who:

(1) Commits an assault upon or any other intentional offense against the person of a member of the United States forces;

(2) Falsely pretends to be a member of the United States forces;

(3) Without authorization possesses, uses, has custody of, or control over, with intent to injure the United States forces, any firearms, ammunition, explosive or other weapon or apparatus for the transmission of messages or other communication device;

(4) Furthers or attempts to further the escape of any person detained by United States authority or knowingly assists or conceals any such person after escape;

(5) Sabotages or attempts to sabotage or who otherwise damages or destroys any war materiel, installation, or property belonging or utilized by the United States forces, where such act is not covered by Article 1 (3) hereof;

(6) Intentionally interferes with or misleads any member of or person acting under the authority of the United States forces in the performance of his duties;

(7) Incites to or participates in rioting or public disorder directed against the United States forces;

(8) Steals or obtains by fraud the property of the United States forces or of any member thereof;

(9) Counterfeits or alters any United States Military Payment Certificate or any other United States currency, coin or stamp, or possesses or utters any thereof, having reason to believe it to be false or altered;

(l0) Bribes, corrupts or intimidates any member of or person acting under the authority of the United States forces;

(1l) Possesses, controls, or disposes of property belonging to the United States forces or to a member of the United States forces without proper authority;

(12) Destroys, conceals, or disposes of any property with the intent of depriving the United States forces of the opportunity of lawfully seizing, confiscating, or requisitioning such property;

(13) Knowingly makes any false statements, orally or in writing, to any member of, or person acting under the authority of the United States forces in a matter of official concern:

(14) Resists arrest by a person acting under the authority of the United States forces, or escapes from arrest or detention imposed under such authority.

(15) Aids any person known to be wanted by the United States forces;

(16) Disseminates any rumor intended or calculated to jeopardize

the security of or to undermine the morale of the United States forces;

(17) Initiates or carries out any criminal prosecution, disciplinary measure or any other form of punishment or victimization (including organized boycotting) against any person for cooperating with the United States forces;

(18) Without proper authority, intentionally destroys, removes, alters, or conceals records or archives of any nature, public or private;

(19) Without proper authority, intentionally destroys, damages, or interferes with the operation of any transportation or communication equipment or any public utility or public service; shall suffer such punishment, except death, as a military commission or provost court shall direct.

ARTICLE 3

Any person who:

(1) Communicates, except through channels authorized by the United States forces, with any person in enemy territory not occupied by the United States forces;

(2) Aids any organization declared illegal by the United States forces, by any means including, but not limited to, publishing, possessing, or distributing printed or written matter, or by possessing, displaying or wearing such organizations' flags, uniforms, or insignia;

(3) Disobeys any law, proclamation, ordinance, notice, order, regulation, or other enactment of the United States forces where a penalty is not expressly stated in such enactment;

(4) Circulates without a permit during a curfew prescribed by the United States forces;

(5) Fails to have possession of a valid identity card when possession of such a card is required by lawful authority;

(6) Makes, issues, or knowingly possesses any false permit, identity card, or other document of an official concern to the United States forces;

(7) Conducts or invites any member of the United States forces into a place designated "OFF LIMITS" or supplies goods or services to such member in any such place;

(8) Defaces or removes without proper authority written or printed matter posted under authority of the United States forces;

(9) Promotes, aids or attends any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions not prohibited by the United States forces;

(10) Promotes, aids, or participates in any conduct hostile or disrespectful to the United States or its forces or prejudicial to the authority of the United States forces;

(11) Without proper authority, sells or gives any narcotic to a member of the United States forces; shall suffer imprisonment up to two years or a fine up to $5,000 or both as a military commission or provost court shall direct.

ARTICLE 4

(1) An act done with specific intent to commit an offense described herein, amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense. Any person who attempts to commit any offense described herein may be sentenced to any punishment, except death, permitted for the offense attempted.

(2) If two or more persons conspire to commit any offense described herein, and one or more of such persons do any act to effect the object of the conspiracy, each may be sentenced to any punishment, except death, permitted for the offense which is the object of the conspiracy.

(3) Any person who aids, abets, counsels, commands, induces or procures the commission of an offense described herein, and any person who causes an act to be done, which if directly performed by him would be an offense described herein, is a principal and may be punished as if he himself had committed the offense.

(4) Any person, knowing that an offense described herein has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact. An accessory after the fact shall be liable to any punishment permitted for the punishment of the principal, except death.

ARTICLE 5

The expression "any person" as used herein excludes those individuals who, at the time of the offense, were entitled to the status of a combatant and were committing an act of legitimate warfare.

ARTICLE 6

This ordinance shall become effective on the date of its publication in the English and in the _____ languages in the territory of _____ occupied by the United States forces.

ORDINANCE NUMBER 2

Civil Affairs Judicial System

ARTICLE 1

Types of Courts

a. To provide for the security of the United States forces and the orderly administration of justice there is hereby established for the territory of _____ occupied by United States forces, a Civil Affairs Judicial System consisting of the following tribunals:

(1) Trial Courts.
  (a) Military Commissions
  (b) Superior Provost Courts
  (c) Summary Provost Courts

(2) Courts of Appeal.

b. Subject to the provisions prescribed in Article 2, Military Commissions shall consist of a legal officer and any number of nonlawyer court members not less than five. A Provost Court shall consist of a legal officer, except that where the exigencies of the service require, a mature officer possessing the requisite background and temperament may be appointed as a Summary Provost Court.

c. Courts of Appeal shall consist of three members meeting the qualifications for legal officer prescribed in Article 2.

ARTICLE 2

Qualifications of Legal Officers

Legal officers appointed to Military Commissions and as Provost Courts shall be officers of the Armed Forces of the United States who are members of the bar of a Federal Court or of the highest court of a state of the United States and who are certified as qualified for such duty by The Adjutant General of the armed service of which they are members. No person shall be eligible to act as a legal officer in a case when he is the accuser or a witness for the prosecution or has acted as investigating officer or counsel in the same case. The legal officer of a Military Commission shall not consult with members of the Military Commission, other than on the form of their findings, except in the presence of the accused and counsel for both sides, nor shall he vote with the members of the Military Commission. Where the exigencies of the service require, a legal officer may be any officer of the Armed Forces of the United States who is a member in good standing of a Federal court or of the highest court of a state of the United States.

ARTICLE 3

Authority to Appoint

The general or flag officer commanding United States forces in _____ shall have authority to appoint Military Commissions, Provost Courts and Courts of Appeal. He may delegate this authority to subordinate commanders.

ARTICLE 4

Jurisdiction as to Persons

a. Without prejudice to any jurisdiction over persons conferred by the law of war, Military Commissions and Provost Courts shall have jurisdiction over all persons in the territory occupied by the United States forces. Unless expressly authorized by the general or flag officer commanding the United States forces in _____, such jurisdiction shall not be exercised over the following categories of persons:

(1) Members of the Armed Forces of the United States or of allied nations.

(2) Prisoners of war, within the meaning of Articles 4 and 5 of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949.

(3) Persons triable for grave breaches of the four Geneva Conventions for the Protection of War Victims of 1949, to whom the provisions of Article 146 of the Geneva Convention for the Protection of Civilian Persons in Time of War, 12 August 1949, apply,

b. For the purpose of this Article, Military Commissions and Provost Courts shall be competent to determine the status of individuals in the classes enumerated above.

ARTICLE 5

Jurisdiction Over Offenses

Military Commissions and Provost Courts shall have jurisdiction over the following crimes and offenses:

(1) Offenses under any proclamation, law, ordinance, notice, order or other directive issued by or under the authority of the United States forces in _____.

(2) Any crimes or offenses denounced by a law of _____ not suspended by order of the United States military authorities:

(3) Grave breaches of the four Geneva Conventions for the Protection of War Victims of 1949 and any other violation of the laws and customs of war.

ARTICLE 6

Limitations on Jurisdiction

Military Commissions and Provost Courts shall not try persons protected by the 1949 Geneva Civilian Convention for offenses committed prior to the commencement of the occupation except for:

(1) Violations of _____law not suspended by the United States authorities; and for

(2) Breaches of the laws and customs of war.

ARTICLE 7

Authorized Punishment

a. Military Commissions. Military Commissions are authorized to impose any lawful sentence or order. These sentences and orders may include: fines; imprisonment at hard labor, or both, or alternate confinement in lieu of fines; exclusion from certain areas; confiscation; padlocking; restitution or restoration of property of whatever value; suspension or revocation of privileges or licenses; and death.

b. Superior Provost Courts. Superior Provost Courts are authorized to impose sentences and orders of:

(1) Imprisonment at hard labor for less than two years;

(2) Fines of money not to exceed three thousand dollars or its equivalent determined at the prevailing rate of exchange or military conversion rate at the time of imposition of the fine;

(3) In lieu of fines when not paid, alternate confinement at hard labor at the rate of one day's confinement for each three dollars of unpaid fine or its equivalent determined at the prevailing rate of exchange or military conversion rate at the time of imposition of the fine;

(4) Forfeiture, destruction, or other disposition of contraband property such as weapons, narcotics, and intoxicants of any value. For the purpose of this ordinance, "contraband property" is further defined as any property in the possession of individuals, the possession of which is prohibited by local law not suspended by the United States military authorities or by any order or directive promulgated by the United States military authorities;

(5) Restitution or restoration of property of whatever value;

(6) Placing off-limits, padlocking, or otherwise closing for a period not to exceed_____of a place where there is continuing unlawful traffic in intoxicating liquor, narcotics, prostitution, or other resort of persons engaging in criminal activity prejudicial to the security of the United States forces;

(7) Suspension or revocation of privileges or licenses for a period not to exceed_____;

(8) Any combination of the foregoing provided that the total confinement at hard labor will be less than two years.

c. Summary Provost Courts. Summary Provost Courts are authorized to impose sentences and orders of:

(1) Imprisonment at hard labor not to exceed three months;

(2) Fines of money not to exceed three hundred dollars or its equivalent determined at the prevailing rate of exchange or military conversion rate at the time of imposition of the fine;

(3) In lieu of fines when not paid, alternate confinement at hard labor at the rate of one day's confinement for each three dollars of unpaid fine or its equivalent determined at the prevailing rate of exchange or military conversion rate at the time of imposition of the fine;

(4) Any other punishment authorized to be ordered by a Superior Provost Court in the preceding section of this Article, or combination thereof, provided that the total confinement at hard labor shall not exceed three months.

ARTICLE 8

General Provisions Concerning Punishment

a. Military Commissions and Provost Courts shall apply only those provisions of law which were applicable prior to the offense. The penalty shall be proportionate to the offense. Where the accused does not owe allegiance to the United States, such fact will be taken into account.

b. In all cases, the duration of the period during which a protected person accused of an offense is under arrest or in detention awaiting trial or punishment shall be deducted from any period of imprisonment imposed.

c. All sentences except death may be put into execution immediately. Military Commissions and Provost Courts may suspend the execution of any sentence in whole or in part whenever appropriate on such terms as they see fit. If the convicted person breaches the terms of the suspension or commits another offense, the prosecutor should make this fact known to a Military Commission or Provost Court, as the case may be, which may then, after a hearing, issue an order vacating the suspension and directing the accused to be taken into custody and the sentence served.

d. The death sentence may be imposed upon a person protected by the Geneva Convention Relative to the Treatment of Civilian Persons in Time of War, 12 August 1949, only upon a conviction of the following offenses:

(1) Espionage;

(2) Serious acts of sabotage against United States military installations;

(3) Intentional offenses which have caused the death of one or more persons;

(4) Violations of _____ laws which have not been suspended by United States authorities and for which the death penalty is authorized by _____ law.

(5) Grave breaches of the four Geneva Conventions for the Protection of War Victims of 12 August 1949 and other violations of the laws and customs of war. Such a sentence may not be pronounced unless the attention of the court has been particularly called to the fact that since the accused is not a national of the United States, he is not bound to it by any duty of allegiance. In no case may the death penalty be pronounced against a protected person who was under the age of 18 at the time of the offense.

e. No person shall be convicted of any offense by a Military Commission except by the concurrence of two-thirds of the members present at the time the vote is taken.

f. No person shall be sentenced to death by a Military Commission except by the unanimous concurrence of the members present at the time the vote is taken. A concurrence by three-fourths of the members present shall be required for a sentence to imprisonment for ten years or more. A concurrence by a majority of the members present shall be required for any other sentence or order.

ARTICLE 9

Authority to Conduct Proceedings

a. Military Commission, Provost Courts and Courts of Appeal may make such orders with respect to the person of the accused and the property, premises or business involved in the offense as may be required.

b. Military Commissions, Provost Courts and Courts of Appeal shall have power to impound money or other objects, to grant bail and accept and forfeit security therefor, to order arrest, to compel the attendance of and to order the detention of witnesses, to administer oaths, to punish for contempt and such other powers as may be necessary for the proper administration of justice.

c. Military Commissions, Provost Courts, and Courts of Appeal shall have authority to designate advisors to assist them, and to appoint bailiffs, interpreters, reporters, clerks and other persons necessary for the conduct of proceedings.

ARTICLE 10

Rights of the Accused

Every accused before a Military Commission, Provost Court or Court of Appeal shall be entitled:

a. To have in advance of trial, in writing, in a language which he under stands a copy of the charges upon which he is to be tried.

b. To communicate with a representative of the Protecting Power or substitute organization in accordance with the provisions of the Geneva Convention for the Protection of Civilian Persons in Time of War, 12 August 1949, and with relatives and trusted friends, to consult counsel before trial, and to conduct his own defense or be represented at the trial by qualified counsel of his own choice, subject to the right of the court on good cause shown to bar any person from appearing before the court. Said counsel may visit the accused freely in private and will have access to the necessary facilities, documents, and witnesses for preparing his defense. When an accused charged with an offense punishable by confinement for two years or more does not have private counsel, qualified counsel shall be provided him.

c. In any case in which the death sentence may be imposed, to be represented by the officer of the armed services of the United States, regardless of whether he has private counsel, unless he affirmatively waives his right to such officer's representation.

d. To apply to the court for adjournment or continuance where necessary to prepare his defense or to make such other motions authorized by the Rules of Procedure that are required in the conduct of his defense.

e. To have the services of an interpreter at the trial, at any preliminary investigation, and in all other proceedings in his case. At anytime he may object to the interpreter and ask for his replacement.

f. To be present at his trial, to present evidence necessary to his defense, to bring with him or have summoned by the court such witnesses as he may wish, and to cross-examine the witnesses furnished by the prosecution.

g. To be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt.

h. To have a prompt and speedy trial.

i. In the event of conviction, to be notified of his appellate rights. In the case of conviction of a Military Commission, the accused shall, in the event of appeal, be furnished without cost a copy of the record of trial in his case.

ARTICLE 11

Review of Findings and Sentence

1. Administrative Review

a. Provost Courts. Every finding of guilty by a provost court shall be reviewed for legal sufficiency by a qualified lawyer. Such review will be directed towards a determination of whether or not the findings and sentence are supported by the law and the facts and should be confirmed.

The reviewing officer will recommend whether or not the findings and sentence will be confirmed or whether a finding of guilty as to a lesser included offense and a proportionate reduction in sentence, if warranted, should be confirmed. The officer appointing the court shall confirm so much of such findings and sentence as are supported by the law and the facts, and he may confirm a finding of guilty as to a lesser included offense and confirm the sentence or substitute, mitigate, pardon or take such other action as he deems appropriate with respect to the sentence, provided that he may not increase the sentence imposed by the court. The officer appointing or convening the court may refer back to the Provost Court for trial, or to another provost court, any specification with reference to which a motion was granted at the trial which does not amount to a finding of not guilty and as to which there has been no trial on the merits.

b. Military Commissions. Whenever an accused has been tried and convicted by a Military Commission, there will be a review of the record of trial by a qualified lawyer, directed by the officer who convened the commission. Such reviewing officer will make such recommendations as are prescribed in the case of Provost Courts, and the officer who appointed the commission will confirm the findings and sentence in such cases and will have such authority to approve lesser included offenses and make substitute findings and sentence and confirm the same, provided that no sentence in excess of that awarded by the military commission may be confirmed, as in the case of confirmation of a conviction by a Provost Court.

2. Other Rights to Review. A convicted person shall have the following rights:

a. Petition for Clemency, Pardon, and Reprieve. In any case a convicted accused may petition the authority who convened the tribunal by which he was sentenced for clemency, pardon or reprieve.

b. New Trial. In any case a convicted accused may petition for a new trial on the basis of newly discovered evidence or fraud on the court. Such a petition shall be made to the Court of Appeals.

c. Mandatory Appellate Review. In any case involving a sentence of death or of imprisonment for two years or more the accused shall be entitled to appellate review as a matter of right.

3. Prosecution Appeals. Appeals by the prosecution shall be allowed only to correct an error of law. No appeal will operate to the prejudice of the accused with respect to the findings or sentence.

4. Form and Time. Petitions shall be in the prescribed form and should be filed with the trial court or the Court of Appeals, as the case may be, within 30 days of the date of sentence, except in the case of a petition for new trial which may be filed at anytime.

5. Discretion of the Court of Appeals. Except in cases for which appellate review is mandatory, the granting of petitions for review will be within the discretion of the Court of Appeals.

6. Procedure and Powers of Court of Appeals.

a. The Court of Appeals shall decide each case on the record of trial, after consideration of briefs and oral arguments of counsel. The court shall restrict its consideration to questions of law and shall not decide issues of fact, except that the court may decide whether, as a matter of law, there was sufficient evidence to sustain a finding of guilty.

b. The Court of Appeals may prescribe their own rules of procedure to implement this ordinance.

c. After reaching its decision, the court will prepare a written opinion to be published for the information and guidance of the legal profession and the public.

d. After review, the courts will be empowered to take any of the following actions:

(1) Affirm a finding of guilty and a sentence;

(2) Set aside a finding of guilty and a sentence and discharge the accused;

(3) Set aside a finding of guilty and a sentence and order a new trial;

(4) Substitute for any finding of guilty, a finding of guilty of a lesser included offense which is supported by the evidence and adjust the sentence to conform to the offense;

(5) Suspend, reduce, commute, or modify any sentence or order and make appropriate order for the discharge of the accused, the return of a fine, restitution of property, or other appropriate order, so long as the sentence of the trial court is not increased.

e. The proceedings of the trial court will not be invalidated nor any findings or sentence disapproved for any error or omission, unless in the opinion of the appellate court, after an examination of the entire record, it appears that the error or omission has resulted in a substantial injustice to the accused.

ARTICLE 12

Execution of Sentences

1. The judgment in the case of a person protected by the 1949 Geneva Civilian Convention who is sentenced to death or to imprisonment for two years or more, with all the relevant grounds therefor, shall be communicated as rapidly as possible to the Protecting Power or to the organisation substituting for the Protecting Power.

2. The judgment in the case of a person not protected by the 1949 Geneva Civilian Convention who is sentenced to death or to imprisonment for two years or more, with all the relevant grounds therefor, shall be communicated as rapidly as possible to the appropriate officials of the State of which the accused is a national.

3. No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power, or substitute organization, or by the State of which the accused is a national, as the case may be, of the notification of the final judgment confirming such death sentence, or an order denying pardon or reprieve.

4. The six months period referred to in the preceding article may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the United States or its forces, provided that the Protecting Power, or substitute organization, or the States of which the accused is a national, as the case may be, is notified of such reduction and is given a reasonable time and opportunity to make representation to the United States authorities in _____. In no case shall a sentence of death be ordered into execution until confirmed in writing by the general or flag officer commanding United States forces in _____.

ARTICLE 13

Application of the Uniform Code of Military Justice and the Manual or Courts-Martial. United States 1951

Except as otherwise provided in this Ordinance or in the Rules of Procedure prescribed by proper authorities of the United States forces for Military Commissions, Provost Courts and Courts of Appeal, and subject to any applicable rule of international law, these tribunals will be guided with respect to rules of procedure and evidence, by the provisions of the Uniform Code of Military Justice, and the Manual for Courts-Martial, United States, 1951.

ARTICLE 14

Application of Local Law

Military Commissions, Provost Courts of Appeal shall give consideration to provisions of the law of _____ not suspended by the United States authorities; in particular they shall give effect to procedural safeguards and substantive rights, the recognition of which is compatible with international law and American standards of justice.

ARTICLE 15

Compliance with the 1949 Geneva Convention for the Protection of Civilian Persons in Time of War

In proceedings to which it applies, Military Commissions, Provost Courts and Courts of Appeal shall comply strictly with the provisions of the 1949 Geneva Convention for the Protection of Civilian Persons in Time of War, particularly Articles 64-78, thereof.

ARTICLE 16

Effective Date

This ordinance shall become effective on the date of its publication in the English and in the _____ languages in the territory of _____ occupied by United States forces.

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